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WHEN: Tuesday, December 7, 2010
9 a.m.–12:30 p.m.

WHERE: Office of the Federal Register
Conference Room, Suite 700
800 North Capitol Street, NW.
Washington, DC 20002

RESERVATIONS: (202) 741–6008

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Reader Aids

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CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

Rules and Regulations

Federal Register
Vol. 75, No. 220
Tuesday, November 16, 2010

DEPARTMENT OF HOMELAND SECURITY

8 CFR Part 103

[CIS No. 2490–09; DHS Docket No. USCIS–2009–0033]

RIN 1615–AB80

U.S. Citizenship and Immigration Services Fee Schedule; Correction

AGENCY: U.S. Citizenship and Immigration Services, DHS.

ACTION: Final rule; correction.

SUMMARY: The Department of Homeland Security corrects an inadvertent error in the amendatory language of the final rule *U.S. Citizenship and Immigration Services Fee Schedule* published in the **Federal Register** on September 24, 2010.

DATES: This correction is effective November 23, 2010.

FOR FURTHER INFORMATION CONTACT: Timothy Rosado, Acting Chief Financial Officer, U.S. Citizenship and Immigration Services, Department of Homeland Security, 20 Massachusetts Avenue, NW., Washington, DC 20529–2130, telephone (202) 272–1930.

SUPPLEMENTARY INFORMATION:

Need for Correction

On September 24, 2010, the Department of Homeland Security (DHS) published a final rule in the **Federal Register** adjusting the U.S. Citizenship and Immigration Services (USCIS) fee schedule. 75 FR 58962. As discussed in the preamble to the final rule, DHS determined that the fee for a refugee travel document for an adult age 16 or older should match the fee charged for the issuance of a passport to a United States citizen ($110 plus a $25 dollar execution fee). 75 FR at 58964, 58972. Accordingly, DHS intended to reduce the fee for filing Application for Travel Document, Form I–131, for a refugee travel document to $135 for an adult age 16 or older.

The final rule inadvertently listed a fee of $165 for filing an Application for Travel Document, Form I–131, for a refugee travel document for an adult age 16 or older. 75 FR at 58987. DHS needs to correct that portion of the final rule to indicate that an adult age 16 or older must submit a fee of $135 with an Application for Travel Document, Form I–131, to request a refugee travel document. No other changes are made in this correction.

Correction of Publication

■ Accordingly, the publication on September 24, 2010 (75 FR 58962) of the final rule that was the subject of FR Doc. 2010–23725 is corrected as follows:

§ 103.7 [Corrected]

■ 1. On page 58987, in the first column, § 103.7 is amended by revising the dollar figure "$165" in paragraph (b)(1)(i)(M)(*1*) to read: "$135".

Dated: November 9, 2010.

Christina E. McDonald,

Acting Associate General Counsel for Regulatory Affairs, Department of Homeland Security.

[FR Doc. 2010–28719 Filed 11–15–10; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 94

[Docket No. APHIS–2009–0034]

RIN 0579–AD12

Changes in Disease Status of the Brazilian State of Santa Catarina With Regard to Certain Ruminant and Swine Diseases

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the regulations governing the importation of certain animals and animal products by adding the Brazilian State of Santa Catarina to the list of regions we recognize as free of foot-and-mouth disease (FMD), rinderpest, swine vesicular disease, classical swine fever, and African swine fever. We are also adding Santa Catarina to the list of regions that are subject to certain import restrictions on meat and meat products because of their proximity to or trading relationships with rinderpest- or FMD-affected countries. These actions will update the disease status of Santa Catarina with regard to FMD, rinderpest, swine vesicular disease, classical swine fever, and African swine fever while continuing to protect the United States from an introduction of those diseases by providing additional requirements for live swine, pork meat, pork products, live ruminants, ruminant meat, and ruminant products imported into the United States from Santa Catarina.

DATES: *Effective Date:* December 1, 2010.

FOR FURTHER INFORMATION CONTACT: Dr. Silvia Kreindel, Senior Staff Veterinarian, Regionalization Evaluation Services Staff, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 38, Riverdale, MD 20737; (301) 734–4356 or (301) 734–8419.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 94 (referred to below as the regulations) govern the importation into the United States of specified animals and animal products in order to prevent the introduction of various animal diseases, including rinderpest, foot-and-mouth disease (FMD), African swine fever (ASF), classical swine fever (CSF), and swine vesicular disease (SVD). These are dangerous and destructive communicable diseases of swine and ruminants.

Section 94.1 of the regulations prohibits, with certain exceptions, the importation into the United States of live swine, live ruminants, and products from these species from regions where FMD or rinderpest is known to exist. Rinderpest or FMD exists in all regions of the world except for certain regions that are listed as free of rinderpest or free of both rinderpest and FMD in § 94.1. Section 94.11 of the regulations lists regions of the world that have been determined to be free of rinderpest and FMD, but that are subject to certain restrictions because of their proximity to or trading relationships with rinderpest- or FMD-affected regions. Section 94.8 of the regulations restricts the importation into the United States of pork and pork

products from regions where ASF is known to or reasonably believed to exist. ASF is known to or reasonably believed to exist in those regions of the world listed in § 94.8. Section 94.9 of the regulations restricts the importation into the United States of pork and pork products from regions where CSF is known to exist, and § 94.10 prohibits, with certain exceptions, the importation of live swine from regions where CSF is known to exist. Sections 94.9 and 94.10 provide that CSF exists in all regions of the world except the regions listed in those sections. Section 94.12 of the regulations restricts the importation into the United States of pork and pork products from regions where SVD is known to exist. SVD exists in all regions of the world except for certain regions that are listed as free of SVD in that section.

On April 16, 2010, we published in the **Federal Register** a proposal [1] (75 FR 19915–19920, Docket No. APHIS–2009–0034) to amend the regulations by adding Santa Catarina to the list in § 94.1 of regions that are free of rinderpest and FMD, the list in § 94.11 of regions that are declared to be free of rinderpest and FMD but that are subject to certain restrictions because of their proximity to or trading relationships with rinderpest or FMD-affected regions, the lists in §§ 94.9 and 94.10 of regions that are free of CSF, and the list in § 94.12 of regions that are free of SVD. We also proposed to exclude Santa Catarina from the list in § 94.8 of regions where ASF is known to or reasonably believed to exist.

We solicited comments concerning our proposal for 60 days ending June 15, 2010. We received 87 comments by that date. They were from U.S. ranchers and cattle producers, U.S. industry and trade organizations, a Tribal association, a consumer organization, State departments of agriculture, Brazilian trade and industry associations, a Brazilian Government agency, the Canadian embassy, and private citizens. They are discussed below by topic.

One commenter stated that Animal and Plant Health Inspection Service (APHIS) lacks the ability to design and implement effective risk mitigation techniques. Several commenters stated their belief that the proposed rule was not consistent with the APHIS' mission of protecting U.S. agriculture. Commenters voiced concern about the reliance on administrative barriers to protect against disease introduction and stated that amending the regulations would put the United States at risk for an outbreak of FMD.

We disagree. APHIS considers all regions in the world to be affected by FMD (§ 94.1) until APHIS conducts an evaluation and concludes that the region or country is free of FMD and therefore able to export FMD-susceptible commodities to the United States. While there is always some degree of disease risk associated with the movement of animals and animal products, APHIS regulatory safeguards will provide effective protection against the risks associated with the importation of ruminants, swine, or their products from the Brazilian State of Santa Catarina. These safeguards include subjecting animals and animal products from Santa Catarina to certain restrictions because of the region's proximity to FMD affected countries (§ 94.11), certification that ruminants and swine have been kept in a region entirely free of FMD and rinderpest (for ruminants) and FMD, rinderpest, CSF, SVD, and ASF (for swine) for 60 days prior to export (§§ 93.405 and 93.505), and a minimum quarantine of 30 days from the date of arrival at the port of entry for most imported ruminants (§ 93.411) and 15 days for all imported swine (§ 93.510).

APHIS' evaluations are based on science and conducted according to the 11 factors identified in § 92.2, "Application for recognition of the animal health status of a region," which include veterinary and disease control infrastructures, disease status of the export region and adjacent regions, and animal movement controls. Based on these factors, as discussed in the proposed rule and its underlying risk evaluation, we have determined that ruminants, swine, and their products can be safely imported into the United States from Santa Catarina.

Regionalization recognizes that pest and disease conditions may vary across a country as a result of ecological, environmental, and quarantine differences and adapts import requirements to the health conditions of the specific area or region where a commodity originates. Many commenters rejected the concept of regionalization, stating that World Organization for Animal Health (OIE) recognition of FMD-free status was not sufficient reason for U.S. recognition of FMD-free status. Some commenters indicated that regionalization is not scientific. One commenter stated that APHIS lacks the ability to accurately assess the risk of FMD and the effectiveness of regionalization-based risk mitigations. One commenter opposed following World Trade Organization (WTO) guidelines. One commenter opposed making decisions based on OIE's Terrestrial Animal Health Code.

As a signatory to the WTO's Sanitary and Phytosanitary Agreement, the United States is committed to following WTO guidelines, including guidelines on regionalization. OIE's Terrestrial Animal Health Code provides internationally accepted guidelines to protect animal health by limiting the spread of animal diseases within and between countries without unnecessarily restricting international trade. APHIS evaluates all requests from countries or regions requesting recognition of disease freedom consistent with OIE guidelines. Evaluations are based on science and conducted according to the 11 factors identified in § 92.2. We have not automatically accepted OIE recognition of disease status as the basis for changes to our regulations; rather, we first conduct our own evaluation, such as that detailed in the proposed rule and its accompanying risk evaluation.

One commenter said that allowing regionalization in one region and not another would be a double standard, especially as regions neighboring Santa Catarina within Brazil have applied for recognition of disease-free status.

APHIS has established protocols for evaluating requests from other countries and regions for recognition of FMD or other disease freedom. Section 92.2 of the regulations provides for any country to request a change in the animal health status of a region. APHIS evaluates all requests based on sound science and internationally recognized guidelines established by the OIE and considers the unique characteristics of each region in its evaluation. APHIS has not received a request from Brazil for disease-free status for any regions that neighbor Santa Catarina; should APHIS receive such a request, APHIS would evaluate it in accordance with established procedures. APHIS is currently evaluating a request from Brazil for several Brazilian States, including States neighboring Santa Catarina, to export boneless beef under certain conditions designed to protect against the introduction of FMD into the United States. This request, however, does not involve declaring any Brazilian States free of disease.

Commenters also objected to linking this rule with a WTO negotiated settlement over a Brazilian cotton dispute. In this long-running dispute brought by the Government of Brazil against the United States, the WTO found that certain U.S. agricultural

[1] To view the proposed rule, supporting and related documents, and the comments received, go to *http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2009-0034.*

subsidies, including cotton subsidies, are inconsistent with the United States' WTO commitments. As part of a negotiated settlement of this dispute with Brazil, the United States agreed to publish a proposed rule to recognize the State of Santa Catarina as free of FMD, rinderpest, CSF, ASF, and SVD.

While we acknowledge that publication of the proposed rule was part of a WTO negotiated settlement, the settlement did not affect the methodology or the conclusions in our risk evaluation. Our decision was based on our own evaluation of the disease status of Santa Catarina, which was conducted according to the 11 factors identified in § 92.2. We would not propose to recognize any region as free of a disease or diseases unless our evaluation of the region's disease status supported it, consistent with our statutory responsibility under the Animal Health Protection Act (7 U.S.C. 8301 *et seq.*)

Several commenters said that trade relations should be equitable. Commenters stated that trade restrictions the Government of Brazil has imposed against the United States were unfair, with one commenter noting that the Brazilian Government closed its borders to the importation of live cattle from the United States in 2003 due to an incidence of bovine spongiform encephalopathy. Another commenter expressed frustration at the Brazilian Government's trichinosis-related import restrictions on U.S. pork, which the commenter stated were not based on science.

APHIS agrees with the commenters that trade relations should be equitable. APHIS' regionalization decisions, however, are based on science and not on reciprocal trade agreements. We note that the United States has benefited from regionalization when certain animal diseases have been detected in specific areas of our own country. We will continue to work with the Brazilian Government to resolve animal health-related barriers to trade.

Many commenters expressed concern with the Brazilian Government's ability to maintain Santa Catarina's FMD-free status and asked whether the Brazilian authorities have the resources and infrastructure necessary for enforcement of laws and regulations. Many commenters noted that FMD outbreaks have occurred in regions that APHIS had recognized as free, and some commenters stated that the risk evaluation does not conclusively determine that the Brazilian authorities could maintain Santa Catarina's FMD-free status. One commenter expressed concern regarding the Brazilian authorities' ability to respond to an FMD outbreak. One commenter stated APHIS lacked the ability to predict potential FMD outbreaks.

Because disease situations are fluid, no country, not even the United States, can guarantee perpetual freedom from a disease. Therefore, APHIS' risk evaluation considers whether a country's animal health authorities can quickly detect, respond to, and report changes in disease situations. For the reasons explained in the proposed rule and its underlying risk evaluation, we concluded that the local authorities in Santa Catarina have the legal framework, animal health infrastructure, movement and border controls, diagnostic capabilities, surveillance programs, and emergency response systems necessary to detect, report, and control an outbreak of FMD, CSF, SVD, or ASF should one occur in Santa Catarina. To amplify this conclusion, we have updated the risk evaluation to make it clear that authorities in Brazil have responded to past outbreaks of FMD in a timely manner by declaring sanitary emergency alerts and intensifying biosecurity, control, prevention, and surveillance within high-risk areas.

When a reportable animal disease outbreak does occur in a region previously recognized by APHIS as free of that disease, APHIS has the authority to take immediate action to prohibit or restrict imports of animals and animal products. APHIS has acted in accordance with that authority when regions have experienced FMD outbreaks.

Many commenters expressed concern that Brazil, in its entirety, is not free of FMD.

As discussed in the proposed rule, the importation of meat and other products from ruminants or swine into the United States from Santa Catarina would continue to be subject to certain restrictions because of Santa Catarina's proximity to or trading relationships with FMD-affected countries and regions. For example, we require that only inspected, authorized establishments be used to prepare products, and we prohibit using slaughterhouses that receive meat or animals from FMD- or rinderpest-affected areas. These restrictions mitigate the risk that products from FMD-free regions would be commingled with products from affected regions. Furthermore, border controls are proving effective at keeping FMD out of Santa Catarina from surrounding countries and regions.

Several commenters raised the issue of the possibility of animals from areas that do not have disease-free status being moved into Santa Catarina. Some commenters also expressed concern that regionalization would increase the incentive to illegally import cattle into Santa Catarina. One commenter requested enforcement by Brazilian authorities and monitoring by APHIS of entry of animals from adjacent areas. One commenter requested information regarding Table 6 in the risk evaluation and why illegal trafficking of small herds was not being detected.

In our evaluation, conducted according to the 11 factors identified in § 92.2, we concluded that the local authorities in Santa Catarina have adequate controls at ports of entry for legal importation of species and products that could carry the diseases under evaluation (FMD, CSF, ASF, and SVD). The local authorities in Santa Catarina also have the legal framework and authority to deal with the entry of illegal animals or animal products into the State; we evaluated the controls of local authorities in Santa Catarina for the movement of animals into the State and concluded that risk from illegal importations from affected regions to be sufficiently mitigated. Accordingly, we have determined that APHIS monitoring of the movement of animals into Santa Catarina is unnecessary.

The table mentioned by the commenter, which appears on page 40 of the risk evaluation, depicts the results of border inspections conducted during 2005 and 2006 and does not contain any references to or inferences about illegal trafficking of smaller herds. The pathway of illegal cattle trafficking is hard to quantify by definition.

We consider exposure of susceptible U.S. animals to illegally imported infected live animals from Santa Catarina to be highly unlikely. In Santa Catarina, individual cattle identification is mandatory for the entire herd, making it extremely unlikely that any cattle that might be illegally imported into Santa Catarina could end up being exported to the United States. Furthermore, the local authorities in Santa Catarina require strict inventory control of animals at the farm and require producers to receive a permit prior to any animal movement, including movement to slaughter. This process includes a visit to the farm by the local veterinary unit to verify the identification of any animals going to slaughter and also check for signs of disease in the herd. So even if an animal were somehow smuggled into Santa Catarina, it could not move anywhere else, nor could any of its herd members, without a movement document that contains particulars about the animal

(including the individual animal identification).

Several commenters expressed concern with the reliance of the local authorities in Santa Catarina on administrative barriers rather than geographic barriers to prevent FMD.

We have determined that the administrative barriers in Santa Catarina are effective. As discussed in the proposed rule and its underlying risk evaluation, the local authorities in Santa Catarina enforce both geographic and administrative barriers. The use of these two types of barriers combined has prevented the introduction of the diseases under evaluation into Santa Catarina.

Many commenters expressed concern with delays in FMD vaccinations to regions surrounding Santa Catarina, referencing a May 2010 article in MercoPress [2] that outlined a growing concern in Uruguay with the Brazilian Government's delay in carrying out its FMD vaccination timetable for those States in Brazil that are considered to be FMD-free with vaccination.

Under § 94.11 of the regulations, animals and animal products are subject to certain restrictions because of a region's proximity to FMD-affected regions or countries; as APHIS restrictions do not distinguish between regions or countries that vaccinate for FMD and those that are affected with the disease, the vaccination status of regions surrounding Santa Catarina is not germane.

Two commenters wanted to know what APHIS' response would be should the disease status of countries or States contiguous to Santa Catarina change.

The regulations in § 92.2(a) provide that regions recognized as disease-free may be required to submit additional information pertaining to animal health status or allow APHIS to conduct additional information collection activities once regionalization is established. In the event that the disease status of a region bordering Santa Catarina changed, APHIS would require Brazilian authorities to submit additional information as necessary regarding Santa Catarina's animal health status and response to the situation. Because of Santa Catarina's proximity to or trading relationships with FMD-affected areas, the importation of meat and other animal products from ruminants or swine into the United States from Santa Catarina will already be subject to the restrictions in § 94.11.

[2] The article can be viewed at *http://en.mercopress.com/2010/05/21/growing-concern-in-uruguay-with-brazilian-delay-in-fmd-vaccination-timetable.*

It should be noted that recent changes in the disease status of surrounding areas have not affected Santa Catarina; there was no evidence of FMD viral activity in cattle or other species in Santa Catarina during or after the 2000–2001 and 2005–2006 outbreaks in other areas of Brazil.

One commenter indicated the need for precautions to ensure that the importation of animals or animal products does not result in the introduction of animal disease to the United States. One commenter expressed concern that animal products could be imported before a disease outbreak is diagnosed in the exporting country.

Animals and animal products from Santa Catarina will continue to be subject to certain restrictions because of the region's proximity to FMD-affected countries and regions (§ 94.11). Furthermore, current APHIS regulations require certification that ruminants and swine have been kept in a region entirely free of FMD, CSF, SVD, and ASF for 60 days prior to export (§§ 93.405 and 93.505). They also require a minimum quarantine of 30 days from the date of arrival at the port of entry for most imported ruminants (§ 93.411) and 15 days for all imported swine (§ 93.510). These requirements increase the likelihood of disease detection in exported animals. Considered with the protections afforded by the safeguards contained in § 94.11, the certification and quarantine requirements for imported animals will effectively mitigate the risk associated with the importation of ruminants, swine, and their products from Santa Catarina.

One commenter wanted to know what parameters APHIS used to define early detection of the diseases being evaluated, indicating that APHIS should better describe the estimated confidence, prevalence, and time to detection.

As we explained in the risk evaluation, the local authorities in Santa Catarina have surveillance programs in cattle and swine for the early detection of FMD, CSF, SVD, and ASF. Local veterinary units visit farms to conduct regular inspections, and they also check for signs of disease in the herd before the movement of any animals to slaughter. Ruminants and swine in Santa Catarina are not vaccinated for FMD or CSF, which means that clinical signs of disease would be more apparent in individual animals as well as herds.

The ability to rapidly confirm a disease outbreak via laboratory analysis is also necessary for early disease detection. We determined that Brazilian animal health authorities have the diagnostic capability to adequately test for all the diseases under evaluation.

Furthermore, early disease detection is linked directly to OIE guidelines for notification of suspected notifiable diseases. As a member of the OIE, the Brazilian Government is obligated to follow OIE guidelines for suspected notifiable diseases, which include immediate notification of the organization of any FMD outbreak or other important epidemiological event. The notification must include the reason for the notification, the name of the disease, the affected species, the geographical area affected, the control measures applied, and any laboratory tests carried out or in progress. We have updated the risk evaluation to reflect the fact that the 2005–2006 FMD outbreaks that occurred in the States of Mato Grosso do Sul and Parana were reported to the OIE and trading partners immediately after confirmation.

Several commenters requested scientific data showing the 11 requirements for regionalization have been met by the local authorities in Santa Catarina.

The 11 factors in § 92.2(b) also include information that is not scientific in nature, such as demographics and the authority of the veterinary services organization in the region. Section 92.2(d) says that we will share with the public all the information we receive in alignment with 92.2(b) and affirm that we did so. Thus, to the extent that any of the factors are addressed through scientific data, the data has been shared already.

One commenter said the risk evaluation was insufficient and requested a quantitative risk assessment as required under APHIS' regulations in 9 CFR part 92, which govern the importation of animals and animal products and provide procedures for requesting recognition of regions, and APHIS guidance documents. One commenter said we did not adequately address biosecurity measures or livestock demographics and marketing practices in our risk evaluation.

APHIS' evaluations are based on science and conducted according to the 11 factors identified in § 92.2, which include biosecurity measures, livestock demographics, and marketing practices. Neither the regulations in 9 CFR part 92 nor APHIS guidance documents require a quantitative risk assessment or indicate that one is needed here. The commenter did not specify how the results of the risk evaluation would be improved by a quantitative risk assessment.

Some commenters requested additional information on animal identification and segregation methods in Santa Catarina. Other commenters indicated that animal identification could not prevent or control disease.

Additional information on Brazil's animal identification system can be found at *http://www.agricultura.gov.br/portal/page?_pageid=33,5459468&_dad=portal&_schema=PORTAL.* For the reasons explained in the proposed rule and its underlying risk evaluation, we concluded that the local authorities in Santa Catarina have an identification system that will allow it to comply with the certification requirements in § 94.11, which requires certification that meat and other products intended for export to the United States have not been commingled with meat or products not eligible for export to the United States. To be eligible for certification, meat or other animal products must originate from a region free from rinderpest and FMD. Animal identification is only one of the factors considered in determining whether the local authorities in Santa Catarina can detect, report, and control outbreaks of the diseases under evaluation. We agree that animal identification does not in and of itself prevent or control animal disease, but an effective animal identification system is a valuable tool for animal disease prevention and control efforts, which is why we evaluate it.

Some commenters indicated the local authorities in Santa Catarina should require tattoos rather than backtags for their animal identification system, as this is how swine in the United States are identified.

All animals imported into the United States must be identified with approved identification upon entering interstate commerce. In 9 CFR part 71 of our regulations governing the interstate movement of animals within the United States, § 71.19 includes backtags as an approved method of identification for swine moving to slaughter in the United States.

One commenter requested more explanation regarding mitigation efforts for risky herds of cattle and an explanation as to why they would remain free of FMD.

The local authorities in Santa Catarina take a proactive approach to addressing the risks posed by risky herds, defined as herds with one or more of the following risk factors: A high volume of movement of animals or products; proximity to animal or waste gathering facilities (including slaughterhouses, landfills, feedmills, and border areas); or containing over 100 animals. As we explained in the risk evaluation, local veterinary personnel carry out supplemental inspections of herds classified as "risky" by the official service. Other mitigation measures include enhanced surveillance activities (both active and passive) which include serologic testing and are designed to demonstrate freedom from FMD.

One commenter requested a comparison of educational requirements for accredited veterinarians in Brazil and the United States.

Accredited veterinarians in Brazil undergo training similar to that required in the United States. During the site visit, APHIS was able to corroborate that official and accredited veterinarians in Brazil are able to detect, recognize, and report diseases and to follow protocols for disease prevention and eradication.

One commenter requested an explanation for the high percentage of vesicular lesion ruleouts that are toxic in nature, *i.e.,* why so many vesicular lesions, a possible indicator of FMD, were from toxic causes.

Because Santa Catarina does not contain any endemic vesicular diseases, vesicular lesions that occur must thereby be caused by some other means. The definitive diagnoses for suspicious lesions were generally due to traumatic injury or ingestion of caustic or toxic plants. We are providing this information in the risk evaluation to clarify this matter.

One commenter indicated that a discussion of serological monitoring for FMD and CSF at slaughter was missing from the proposed rule and risk evaluation.

While there is no serological monitoring for FMD or CSF at slaughter, the local authorities in Santa Catarina do not vaccinate for FMD or CSF. Therefore, any cattle or swine in the region exposed to the FMD or CSF virus can be considered sentinels for these diseases, precluding the need for serological monitoring.

One commenter requested more information regarding the plan to eradicate FMD in South America (the Plano Hemisferico de Eradicacai de Febre Aftosa).

Additional information on the plan can be found at *http://www.fao.org/Ag/againfo/commissions/docs/research_group/erice/APPENDIX_06.*pdf. It should be noted that, as we explained in the risk evaluation, the OIE recognized Santa Catarina as an FMD-free zone where vaccination is not practiced in 2007.

One commenter expressed concern that Santa Catarina does not have a diagnostic laboratory.

It is not unusual for countries to have only a few reference laboratories located throughout the country to perform diagnostic testing, with standard laboratories located in specific States or regions to perform more routine testing. The United States, for example, uses such a system. As we explained in the risk evaluation, Brazilian animal health authorities have the diagnostic capability to adequately test for all the diseases under evaluation.

Several commenters noted that we indicated, in the preamble to the proposed rule, that the last case of FMD in Brazil was in 2005 when it actually occurred in 2006.

The risk evaluation correctly indicated that the last FMD outbreak in Brazil started in 2005 and ended in 2006. While we agree that the dates of that outbreak were incompletely reported in the proposed rule, this does not affect our risk evaluation or its conclusions.

Several commenters stated that we failed to discuss wildlife and feral swine and their possible role in transmitting FMD and CSF. Commenters also expressed concern regarding consumption of garbage by free-ranging swine.

The role of wild boar in the transmission of CSF is considered on page 73 of the risk evaluation. We agree that the risk evaluation did not address the FMD risk associated with wildlife and feral swine populations and have updated the risk evaluation to address this omission. Although several South American wild animal species are susceptible to FMD, research into FMD in South America has determined that wildlife populations, including feral swine, do not play a significant role in the maintenance and transmission of FMD. During outbreak situations, wildlife may become affected by FMD; however, the likelihood that they would become carriers under field conditions is rare. Therefore, it is unlikely that FMD would be introduced into Santa Catarina through movement of infected wildlife.

Furthermore, the local authorities in Santa Catarina prohibit feeding garbage to animals. In the event that these laws were circumvented, other factors evaluated in the risk assessment, including biosecurity measures, surveillance activities, and response capabilities, would mitigate disease risks.

Several commenters addressed risks beyond the diseases evaluated in the proposed rule. Commenters expressed concern that residues of drugs, such as Ivermectin or pharmaceutical products would be present in the meat of animals from Santa Catarina. Other commenters questioned the adequacy of Brazil's food

safety standards and inspection practices.

These issues are beyond the scope of the Animal Health Protection Act. The U.S. Food and Drug Administration and the United States Department of Agriculture's Food Safety and Inspection Service have oversight of these issues, and we coordinate with these agencies as needed.

One commenter indicated that tuberculosis and brucellosis should be considered in the proposed rule.

The analysis of these issues is beyond the scope of the proposed rule, which focused on specific diseases addressed by our regulations in 9 CFR part 94. Measures to prevent the introduction by imported live animals of bovine tuberculosis and brucellosis, along with other livestock diseases, are addressed by our regulations in 9 CFR part 93.

Several commenters raised issues in response to the economic analysis. One commenter requested an analysis of possible changes to market prices in Santa Catarina due to the implementation of a final rule. One commenter requested an analysis of marketing pressures in Santa Catarina and movement and marketing practices. One commenter requested a peer-reviewed economic analysis on the impact of a foreign animal disease outbreak in the United States. One commenter requested a more thorough explanation of the number of years it would take for producers to recover to pre-event prices should FMD or CSF be introduced into the United States.

The analysis of market prices, marketing pressures, and impacts of foreign animal disease outbreaks is not required under the Regulatory Flexibility Act. The Regulatory Flexibility Act requires an economic analysis to examine the potential economic effects of an action on small entities in the United States, and we determined that the factors cited by the commenters do not need to be analyzed in order to determine those effects. A 2008 report on the economic impacts of a foreign animal disease outbreak, developed by USDA's Economic Research Service, is available at *http://www.ers.usda.gov/publications/err57/err57.pdf.* We have determined that the requirements in this final rule will effectively mitigate the risk of introducing FMD or CSF into the United States via imports from Santa Catarina.

One commenter requested a risk/benefit analysis in connection with the potential impact on the U.S. gross domestic product. Several commenters expressed concerns about negative economic impacts as a result of the proposed rule, including negative impacts on U.S. cattle and beef producers, pork producers, and rural economies. One commenter requested an analysis of possible changes to market prices in the United States.

Under the Animal Health Protection Act, we have the authority to prohibit or restrict the importation of animals and animal products only when necessary to prevent the introduction into or dissemination within the United States of any pest or disease of livestock. We do not have the authority to restrict imports on the grounds of potential economic effects on domestic entities that could result from increased imports. While the final rule is not expected to result in beef or other ruminant meat exports to the United States of any appreciable quantity, we have, however, considered the possible negative economic impacts with respect to pork in the final economic analysis and determined that the rule will not have a significant impact on a substantial number of small entities.

Several commenters expressed concern that the potential imports of beef were understated in the economic analysis, noting that Santa Catarina has more cattle operations than any single State in the United States. Commenters stated that Brazil is the largest beef exporter in the world, that the representation of the Brazilian cattle industry was not accurate, and that the potential for beef exports should be included in the analysis based on beef harvesting or processing facilities.

We disagree with the commenters. The analysis discusses and references information on the size of the cattle industry in Brazil. As discussed in the proposed rule and its underlying analysis, Santa Catarina contains less than 2 percent of Brazil's cattle, most of which are dairy animals, and the final rule is not expected to result in beef or other ruminant meat exports to the United States of any appreciable quantity.

Many commenters expressed concern with the economic and other impacts of an FMD outbreak in the United States. Commenters also indicated we did not analyze the impact of an FMD outbreak on U.S. wildlife.

As discussed in the environmental assessment, we evaluated the nature of each disease, its causal agent, and its potential impacts on the physical environment as well as the health of human, livestock, and wildlife populations in the United States.

One commenter said the environmental assessment was deficient because it lacked multiple scenarios and modeling needed to consider all potential effects to the human environment.

In the environmental assessment, we considered the potential effects to the human environment in accordance with the National Environmental Policy Act, including the natural and physical environment and the relationship of people with that environment. The environmental assessment is a threshold analysis that does not require "multiple scenarios and modeling." The lack of modeling has no affect on the findings in the EA. If a proposed action has the potential to significantly impact the environment, then an environmental impact statement is prepared, which involves a more comprehensive environmental analysis of the proposal and reasonable alternatives and might require such detail.

One commenter said we lacked data needed to respond to an FMD outbreak, including data on how the disease would spread to wildlife.

These issues have been studied extensively and APHIS has detailed contingency and preparedness action plans developed for use should there be an outbreak of FMD or another animal disease. The environmental assessment discusses, cites, and references credible scientific information on the five viruses of concern (including FMD) and how they could be spread to wildlife.

Therefore, for the reasons given in the proposed rule and in this document, we are adopting the proposed rule as a final rule, without change.

Effective Date

This is a substantive rule that relieves restrictions and, pursuant to the provisions of 5 U.S.C. 553, may be made effective less than 30 days after publication in the **Federal Register**. This rule relieves certain restrictions related to rinderpest, FMD, SVD, CSF, and ASF for the importation into the United States of live swine, swine semen, pork meat, pork products, live ruminants, ruminant semen, ruminant meat, and ruminant products from Santa Catarina. We have determined that approximately 2 weeks are needed to ensure that APHIS and Department of Homeland Security, Bureau of Customs and Border Protection, personnel at ports of entry receive official notice of this change in the regulations. Therefore, the Administrator of the Animal and Plant Health Inspection Service has determined that this rule should be effective 15 days after publication in the **Federal Register**.

Executive Order 12866 and Regulatory Flexibility Act

This final rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

In accordance with the Regulatory Flexibility Act, we have analyzed the potential economic effects of this action on small entities. The analysis is summarized below. Copies of the full analysis are available on the Regulations.gov Web site (*see* footnote 1 in this document for a link to Regulations.gov) or by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

The final rule is not expected to result in beef or other ruminant meat exports to the United States of any appreciable quantity. Santa Catarina contains less than 2 percent of Brazil's cattle, most of which are dairy animals. Brazil's sheep and goat populations are also concentrated in parts of the country other than Santa Catarina, and their products are nearly entirely destined for the domestic market.

Pork imports from the State of Santa Catarina will compete with imports from Canada and Denmark, currently the United States' largest suppliers of pork. Taking into consideration probable partial displacement of pork imported from these countries by projected imports from Santa Catarina, the net increase in U.S. imports attributable to this rule is expected to be well under 3 percent. Given the United States' position as one of the largest pork exporters in the world, the market impacts resulting from the small amount of imports expected to come from Santa Catarina are likely to be minimal.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12988

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

National Environmental Policy Act

An environmental assessment and finding of no significant impact have been prepared for this final rule. The environmental assessment provides a basis for the conclusion that Santa Catarina is free of FMD, rinderpest, SVD, CSF, and ASF and that the importation of live swine, swine semen, pork meat, pork products, live ruminants, ruminant semen, ruminant meat, and ruminant products into the United States from Santa Catarina under the conditions specified in this rule will not have a significant impact on the quality of the human environment.

The environmental assessment and finding of no significant impact were prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) APHIS regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

The environmental assessment and finding of no significant impact may be viewed on the Regulations.gov Web site (*see* footnote 1 in this document for a link to Regulations.gov). Copies of the environmental assessment and finding of no significant impact are also available for public inspection at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect copies are requested to call ahead on (202) 690–2817 to facilitate entry into the reading room. In addition, copies may be obtained by writing to the individual listed under **FOR FURTHER INFORMATION CONTACT**.

Paperwork Reduction Act

This final rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 9 CFR Part 94

Animal diseases, Imports, Livestock, Meat and meat products, Milk, Poultry and poultry products, Reporting and recordkeeping requirements.

■ Accordingly, we are amending 9 CFR part 94 as follows:

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, EXOTIC NEWCASTLE DISEASE, AFRICAN SWINE FEVER, CLASSICAL SWINE FEVER, SWINE VESICULAR DISEASE, AND BOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS

■ 1. The authority citation for part 94 continues to read as follows:

Authority: 7 U.S.C. 450, 7701–7772, 7781–7786, and 8301–8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.4.

§ 94.1 [Amended]

■ 2. In § 94.1, paragraph (a)(2) is amended by adding the words "the Brazilian State of Santa Catarina," after the word "Bermuda,".

§ 94.8 [Amended]

■ 3. In § 94.8, the introductory text is amended by adding the words "(except the State of Santa Catarina)" after the word "Brazil".

§ 94.9 [Amended]

■ 4. In § 94.9, paragraph (a) is amended by adding the words "the Brazilian State of Santa Catarina;" after the word "Australia;".

§ 94.10 [Amended]

■ 5. In § 94.10, paragraph (a) is amended by adding the words "the Brazilian State of Santa Catarina;" after the word "Australia;".

§ 94.11 [Amended]

■ 6. In § 94.11, paragraph (a) is amended by adding the words "the Brazilian State of Santa Catarina," after the word "Belgium,".

§ 94.12 [Amended]

■ 7. In § 94.12, paragraph (a) is amended by adding the words "the Brazilian State of Santa Catarina," after the word "Belgium,".

Done in Washington, DC this 12th day of November 2010.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2010–28976 Filed 11–15–10; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2010–1125; Directorate Identifier 2008–SW–40–AD; Amendment 39–16512; AD 2010–23–22]

RIN 2120–AA64

Airworthiness Directives; Eurocopter France (Eurocopter) Model AS332L2 Helicopters

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for the Eurocopter Model AS332L2 helicopters. This AD results from a mandatory continuing airworthiness information (MCAI) AD issued by the European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community. The MCAI AD states that a hard landing occurred during in-flight engine failure (one engine inoperative (OEI)) training. An examination revealed the failure of the right-hand main reduction gear module (module) freewheel unit due to excessive wear on some of its components. The MCAI AD prohibits engine failure OEI training with helicopters on which certain main gearbox (MGB) modules with certain freewheel shafts are installed and mandates the replacement of those modules. The actions are intended to prevent failure of certain freewheel units, loss of power to the main rotor system, and subsequent loss of control of the helicopter.

DATES: This AD becomes effective on December 1, 2010.

We must receive comments on this AD by January 18, 2011.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting your comments electronically.
- *Fax:* (202) 493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

You may get the service information identified in this AD from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, TX 75053–4005, telephone (972) 641–3460, fax (972) 641–3527, or at *http://www.eurocopter.com.*

Examining the Docket: You may examine the AD docket on the Internet at *http://www.regulations.gov* or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647–5527) is stated in the **ADDRESSES** section of this AD. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Eric Haight, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Regulations and Policy Group, Fort Worth, Texas 76193–0111, telephone (817) 222–5204, fax (817) 222–5961.

SUPPLEMENTARY INFORMATION:

Discussion

EASA has issued AD No. 2007–0312–E, dated December 21, 2007, to correct an unsafe condition for the Eurocopter Model AS332L2 helicopters. The MCAI AD prohibits engine failure OEI training for helicopters with MGB modules installed with certain freewheel shafts, mandates inspection of each freewheel shaft at an approved repair station, and mandates replacement if necessary. The MCAI AD also mandates inserting the information prohibiting engine failure OEI training into the Limitations section of the Rotorcraft Flight Manual (RFM). The MCAI AD was issued following a hard landing, which occurred during in-flight engine failure OEI training after failure of a freewheel unit. In case of a freewheel unit failure on one of the two MGB inputs, either inadvertently or as part of OEI training, the resulting load on the remaining MGB freewheel unit may result in failure of the second freewheel unit. The actions are intended to prevent failure of a freewheel unit and subsequent loss of control of the helicopter.

You may obtain further information by examining the MCAI AD and the related service information in the AD docket.

Related Service Information

Eurocopter has issued Emergency Alert Service Bulletin No. 01.00.74, dated December 20, 2007, for the Model AS332L2 helicopters, which specifies the need for prohibiting OEI training in certain helicopters with certain freewheel shafts installed in certain MGB main reduction gear modules until those modules with those freewheel shafts are replaced. The actions described in the MCAI AD are intended to correct the same unsafe condition as that identified in the service information.

FAA's Evaluation and Unsafe Condition Determination

The Eurocopter Model AS332L2 helicopters have been approved by the aviation authority of France and are approved for operation in the United States. Pursuant to our bilateral agreement with France, EASA, their technical agent, has notified us of the unsafe condition described in the MCAI AD. We are issuing this AD because we evaluated all information provided by EASA and determined the unsafe condition exists and is likely to exist or develop on other Model AS332L2 helicopters of the same type design.

There are no products of this type currently registered in the United States. However, this rule is necessary to ensure that the described unsafe condition is addressed if any of these products are placed on the U.S. Registry in the future.

Differences Between This AD and the MCAI AD

We refer to flight hours as hours time-in-service (TIS). We require replacing each MGB module, listed in the applicability of this AD, within 40 hours TIS rather than using 40 hours TIS for some parts and 200 hours TIS for other parts. Also, we do not use the dates listed in the MCAI AD because the dates have passed.

Costs of Compliance

There are no costs of compliance since there are no helicopters of this type design on the U.S. Registry.

FAA's Determination of the Effective Date

Since there are currently no affected U.S. registered helicopters, we have determined that notice and opportunity for prior public comment before issuing this AD are unnecessary and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not precede it by notice and opportunity for public comment. However, we invite you to send us any

written data, views, or arguments concerning this AD. Send your comments to an address listed under the **ADDRESSES** section of this AD. Include "Docket No. FAA–2010–1125; Directorate Identifier 2008–SW–40–AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD because of those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov* including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this AD.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. "Subtitle VII: Aviation Programs," describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in "Subtitle VII, Part A, Subpart III, Section 44701: General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on product(s) identified in this rulemaking action.

Regulatory Findings

We determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

Therefore, I certify this AD:

1. Is not a "significant regulatory action" under Executive Order 12866;

2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and

3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new AD:

2010–23–22 Eurocopter France: Amendment 39–16512. Docket No. FAA–2010–1125; Directorate Identifier 2008–SW–40–AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective on December 1, 2010.

Other Affected ADs

(b) None.

Applicability

(c) This AD applies to Model AS332L2 helicopters, certificated in any category, with a freewheel shaft, part number (P/N) 332A32–2190–25, with No. 1 and No. 2 serial numbered shafts installed on a main gearbox (MGB) main reduction gear module (main module), with a P/N and serial number (S/N), as listed in the following table.

TABLE—MGB MAIN MODULES, WITH

No. 1 and No. 2 Freewheel Shaft S/N	Installed on main module P/N & S/N
M1608, M945	332A32–3011–03M and M2062.
M1078, M1087	332A32–3011–03M and M2088.
M1272, M1273	332A32–3011–03M and M2104.
M1688, M974	332A32–3011–03M and M2016.
M1231, M937	332A32–3011–03M and M2079.
M1115, M635	332A32–3011–03M and M4001.
M1159, M907	332A32–3011–03M and M4004.
M1124, M486	332A32–3011–01M and M2044.

Reason

(d) The MCAI AD states that a hard landing occurred during in-flight engine failure (one engine inoperative (OEI)) training. An examination of the main gearbox (MGB) revealed the failure of the right-hand freewheel unit was due to excessive wear on some of its components. The MCAI AD prohibits engine failure OEI training with helicopters on which certain MGB modules with certain freewheel shafts are installed and mandates the replacement of those modules. The actions are intended to prevent failure of certain freewheel units, loss of power to the main rotor system, and subsequent loss of control of the helicopter.

Actions and Compliance

(e) Before further flight, unless already accomplished, insert the following limitation into the Limitations section of the Rotorcraft Flight Manual (RFM): "Engine failure (one-engine inoperative (OEI)) training is prohibited." You may comply with this requirement by making pen and ink changes to the Limitations section of the RFM or by inserting a copy of this AD into the Limitations section of the RFM.

(f) Within 40 hours time-in-service (TIS) or if an engine in-flight shut down occurs, whichever occurs first, replace the MGB main module with an airworthy main module that does not have a freewheel shaft S/N listed in the applicability of this AD.

(g) After complying with paragraph (f) of this AD, remove the limitation required by paragraph (e) of this AD from the RFM.

Differences Between This AD and the MCAI AD

(h) We refer to flight hours as hours TIS. We require replacing each MGB module, listed in the applicability of this AD, within 40 hours TIS rather than using 40 hours TIS for some parts and 200 hours TIS for other parts. Also, we do not use the dates listed in the MCAI AD because those dates have passed.

Other Information

(i) Alternative Methods of Compliance (AMOCs): The Manager, Safety Management Group, FAA, ATTN: Eric Haight, Aviation Safety Engineer, Rotorcraft Directorate, Regulations and Policy Group, Fort Worth, Texas 76193–0111, telephone (817) 222–5204, fax (817) 222–5961, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19.

Related Information

(j) European Aviation Safety Agency (EASA) MCAI AD No. 2007–0312–E, dated December 21, 2007, and Eurocopter Emergency Alert Service Bulletin No. 01.00.74, dated December 20, 2007, contain related information.

Joint Aircraft System/Component (JASC) Code

(k) The JASC Code is 6300: Limitations—Main Rotor Drive System.

Issued in Fort Worth, Texas, on November 1, 2010.

Kim Smith,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2010–28452 Filed 11–15–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2008–1242; Directorate Identifier 96–SW–13–AD; Amendment 39–16511; AD 96–18–05 R1]

RIN 2120–AA64

Airworthiness Directives; Bell Helicopter Textron Canada Model 206L, 206L–1, and 206L–3 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment revises an existing airworthiness directive (AD) for Bell Helicopter Textron Canada (BHTC) Model 206L, 206L–1, and 206L–3 helicopters with a certain part numbered tailboom installed, that currently requires a visual inspection of the tailboom skin in the areas around the nutplates and in the areas of the tailboom drive shaft cover retention clips for cracks and corrosion using a 10-power or higher magnifying glass until the tailboom is replaced with an airworthy tailboom. This action requires the same actions as the existing AD, but allows a longer interval for the repetitive inspections if the tailboom is modified to increase its structural integrity. Replacement with an airworthy tailboom other than a part-numbered tailboom affected by this amendment constitutes a terminating action for the requirements of this AD. This amendment is prompted by an accident and several reports of fatigue cracks in the tailboom skin in the areas around the nutplates for the tail rotor fairing and in the areas of the tail rotor drive shaft cover retention clips. The actions required by this AD are intended to prevent failure of the tailboom and subsequent loss of control of the helicopter.

DATES: Effective December 21, 2010.

As of September 16, 1996 (61 FR 45876, August 30, 1996), the Director of the Federal Register approved the incorporation by reference of Bell Helicopter Textron Inc. Alert Service Bulletin 206L–87–47, Revision C, dated October 23, 1989, listed in this AD.

ADDRESSES: You may get the service information identified in this AD from Bell Helicopter Textron Canada, 12,800 Rue de l'Avenir, Mirabel, Quebec J7J1R4, telephone (450) 437–2862 or (800) 363–8023, fax (450) 433–0272, or at *http://www.bellcustomer.com/files/*.

Examining the Docket: You may examine the docket that contains this AD, any comments, and other information on the Internet at *http://www.regulations.gov,* or at the Docket Operations office, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC.

FOR FURTHER INFORMATION CONTACT: DOT/FAA Southwest Region, Sharon Miles, ASW–111, Aviation Safety Engineer, Rotorcraft Directorate, Regulations and Policy Group, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222–5122, fax (817) 222–5961.

SUPPLEMENTARY INFORMATION: A proposal to amend 14 CFR part 39 by revising AD 96–18–05, Amendment 39–9729 (61 FR 45876, August 30, 1996), for the specified BHTC Model 206L, 206L–1, and 206L–3 helicopters, with tailboom, part number (P/N) 206–033–004–003, –011, –045, or –103, installed, was published in the Federal Register on November 26, 2008 (73 FR 71955). The action proposed to require before further flight, unless accomplished previously, a visual inspection of the tailboom skin for cracks and corrosion in the areas around the nutplates for the tail rotor fairing and in the areas of the tailboom drive shaft cover retention clips using a 10-power or higher magnifying glass. The action also proposed to require the inspections repetitively at intervals not to exceed 100 hours time-in-service (TIS) for helicopters that have been modified to increase the structural integrity of the tailboom in accordance with Bell Helicopter Textron Alert Service Bulletin No. 206L–87–47, Revision C, dated October 23, 1989 (ASB). For helicopters that have not been modified in accordance with the ASB, we proposed to require repetitive inspections at intervals not to exceed 50-hours TIS. That action also proposed a terminating action for the repetitive inspection requirements by replacing an affected tailboom with an airworthy tailboom, P/N 206–033–004–143 or -177. That action was prompted by an accident and several reports of fatigue cracks in the tailboom skin in the areas around the nutplates for the tail rotor fairing, and in the areas of the tail rotor drive shaft cover retention clips.

Transport Canada, the airworthiness authority for Canada, notified the FAA that an unsafe condition may exist on BHTC Model 206L, 206L–1, and 206L–3 helicopters. Transport Canada advises that there has been one accident and several reports of fatigue cracks in the tailboom skin in the areas around the nutplates for the tail rotor fairing, and in the areas of the tail rotor drive shaft cover retention clips.

This helicopter model is manufactured in Canada and is type certificated for operation in the United States under the provisions of 14 CFR 21.29 and the applicable bilateral agreement. When AD 96–18–05 was issued, the type certificate for these affected model helicopters was in the U.S. and the FAA had oversight responsibility for these model helicopters. Transport Canada issued an AD following the FAA AD, except that Transport Canada required modifying the tailboom in accordance with the ASB and increasing the inspection interval to 100 hours TIS. Subsequently, these type certificates were transferred to Canada.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed with only minor, non-substantive changes.

We estimate that this AD will affect 551 helicopters of U.S. registry. We also estimate that it will take about 0.8 work hour to inspect and 8 work hours per helicopter to modify a helicopter, at an average labor rate of $85 per work hour. If a helicopter is modified to increase the inspection intervals, required parts will cost approximately $385. Based on these figures, we estimate the total cost impact of the AD on U.S. operators to be $423,168 per year, assuming all the helicopters are unmodified and twelve 50-hour TIS inspections per helicopter. If we assume that all helicopters are modified at the beginning of the year, the cost impact of the AD on U.S. operators will be $776,359 for the first year, assuming there are six 100-hour TIS inspections the first year, and $211,584 for each year thereafter.

Regulatory Findings

We have determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that the regulation:

1. Is not a "significant regulatory action" under Executive Order 12866;

2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and

3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared an economic evaluation of the estimated costs to comply with this AD. See the AD docket to examine the economic evaluation.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in subtitle VII, part A, subpart III, section 44701, "General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. Section 39.13 is amended by removing Amendment 39–9729 (61 FR 45876, August 30, 1996), and by adding a new airworthiness directive (AD), to read as follows:

96–18–05 R1 Bell Helicopter Textron Canada: Amendment 39–16511. Docket No. FAA–2008–1242; Directorate Identifier 96–SW–13–AD. Revises AD 96–18–05, Amendment 39–9729.

Applicability: Model 206L, 206L–1, and 206L–3 helicopters, with tailboom, part number (P/N) 206–033–004–003, –011, –45, –045, or –103, installed, certificated in any category.

Compliance: Required as indicated.

To prevent failure of the tailboom and subsequent loss of control of the helicopter, accomplish the following:

(a) Before further flight, unless accomplished previously, using a 10-power or higher magnifying glass, inspect the tailboom for cracks or corrosion in accordance with the Accomplishment Instructions, Part II, steps (1) through (7), of Bell Helicopter Textron Alert Service Bulletin No. 206L–87–47, Revision C, dated October 23, 1989 (ASB).

(b) For a tailboom that has *not* been modified in accordance with the Accomplishment Instructions, Part I of the ASB, using a 10-power or higher magnifying glass, inspect the tailboom for a crack at intervals not to exceed 50 hours time-in-service (TIS) in accordance with the Accomplishment Instructions, Part II, steps (1) through (7), of the ASB.

(c) For a tailboom that has been modified in accordance with the Accomplishment Instructions, Part I of the ASB, using a 10-power or higher magnifying glass, inspect the tailboom for a crack or corrosion at intervals not to exceed 100 hours TIS in accordance with the Accomplishment Instructions, Part II and Part III of the ASB, except you are not required to contact the manufacturer.

(d) If a crack or corrosion is detected that is beyond the repairable limits stated in the applicable maintenance manual, remove the tailboom and replace it with an airworthy tailboom.

(e) Replacing the tailboom with a tailboom, P/N 206–033–004–143 or –177, or an airworthy part-numbered tailboom that is not listed in the Applicability section of this AD, constitutes a terminating action for the requirements of this AD.

(f) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Contact the Manager, Safety Management Group, FAA, ATTN: DOT/FAA Southwest Region, Sharon Miles, Aviation Safety Engineer, ASW–111, Rotorcraft Directorate, Regulations and Policy Group, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222–5122, fax (817) 222–5961, for information about previously approved alternative methods of compliance.

(g) Special flight permits will not be issued.

(h) You must use Bell Helicopter Textron Inc. Alert Service Bulletin 206L–87–47, Revision C, dated October 23, 1989, to do the actions required by this AD, unless the AD specifies otherwise.

(1) On September 16, 1996 (61 FR 45876, August 30, 1996), the Director of the Federal Register previously approved the incorporation by reference of Bell Helicopter Textron Inc. Alert Service Bulletin 206L–87–47, Revision C, dated October 23, 1989.

(2) For service information identified in this AD, contact Bell Helicopter Textron Canada, 12,800 Rue de l'Avenir, Mirabel, Quebec J7J1R4, telephone (450) 437–2862 or (800) 363–8023, fax (450) 433–0272, or at *http://www.bellcustomer.com/files/.*

(3) You may review copies of the service information incorporated by reference for this AD at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas.

(4) You may also review copies of the service information incorporated by reference for this AD at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

(i) This amendment becomes effective on December 21, 2010.

Issued in Fort Worth, Texas, on October 26, 2010.

Lance T. Gant,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2010–28470 Filed 11–15–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2008–1328; Directorate Identifier 2008–CE–066–AD; Amendment 39–15776; AD 2008–26–10]

RIN 2120–AA64

Airworthiness Directives; Cessna Aircraft Company (Cessna) 172, 175, 177, 180, 182, 185, 206, 207, 208, 210, 303, 336, and 337 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: The FAA is correcting an airworthiness directive (AD) that was published in the **Federal Register**. That AD applies to the products listed above. In the Information Heading and in the **SUMMARY** section of the published AD, we incorrectly included Cessna 188 series airplanes. In the Unsafe Condition section, we incorrectly designated that paragraph as (e) instead of (d). Also in the Compliance section, paragraph (f)(2), and in Figure 1, we incorrectly stated the mailing address for the report. We are issuing this document to help eliminate any confusion that this AD may have created in the Information Heading and in the **SUMMARY** and Unsafe Condition sections. This document corrects those errors. In all other respects, the original document remains the same.

DATES: This final rule is effective November 16, 2010. The effective date for AD 2008–26–10 remains January 5, 2009.

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov;* or in person at the

Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Document Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Ann Johnson, Aerospace Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Wichita, Kansas 67209; telephone: 316–946–4105; fax: 316–946–4107; e-mail address: *ann.johnson@faa.gov.*

SUPPLEMENTARY INFORMATION: Airworthiness Directive 2008–26–10, Amendment 39–15776 (73 FR 78939, December 24, 2008), currently requires inspecting the alternate static air source selector valve to assure that the part number identification placard does not obstruct the alternate static air source selector valve port. If the part number identification placard obstructs the port, this AD also requires removing the placard, assuring that the port is unobstructed, and reporting to the FAA if obstruction is found for certain Cessna 172, 175, 177, 180, 182, 185, 206, 207, 208, 210, 303, 336, and 337 series airplanes.

As published, the Information Heading and the Summary sections of the AD incorrectly included Cessna 188 series airplanes. The Unsafe Condition section is incorrectly designated as paragraph (e) instead of paragraph (d). Also, the mailing address for the report specified in the Compliance section, paragraph (f)(2), and in Figure 1 is incorrectly stated as 1804 instead of 1801.

No other part of the preamble or regulatory information has been changed; therefore, only the changed portion of the final rule is being published in the **Federal Register**.

The effective date of AD 2008–26–10 remains January 5, 2009.

Correction of Non-Regulatory Text

In the **Federal Register** of December 24, 2008, AD 2008–26–10; Amendment 39–15776 is corrected as follows:

On page 78939, in the second column, on line 10, under the heading DEPARTMENT OF TRANSPORTATION, remove 188 from affected series airplanes.

On page 78939, in the second column, on line 19, under the heading DEPARTMENT OF TRANSPORTATION, in the **SUMMARY** section, remove 188 from affected series airplanes.

Correction of Regulatory Text

§ 39.13 [Corrected]

In the **Federal Register** of December 24, 2008, AD 2008–26–10; Amendment 39–15776 is corrected as follows:

On page 78942, in the first column, under the Unsafe Condition section, change paragraph (e) to (d).

On page 78943, in the second column, in paragraph (f)(2), on line 3, change 1804 to 1801.

On page 78943, in Figure 1, in the address for the Wichita Manufacturing Inspection District Office, change 1804 to 1801.

Issued in Kansas City, Missouri, on November 4, 2010.

James E. Jackson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2010–28579 Filed 11–15–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2010–1126; Directorate Identifier 2010–SW–078–AD; Amendment 39–16515; AD 2010–18–52]

RIN 2120–AA64

Airworthiness Directives; MD Helicopters, Inc. Model MD900 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This document publishes in the **Federal Register** an amendment adopting Emergency Airworthiness Directive (AD) 2010–18–52 which was sent previously to all known owners and operators of MD Helicopters, Inc. (MDHI) Model MD900 helicopters by individual letters. This AD requires visually inspecting the main rotor hub (hub) for a crack. If a crack is found, this AD requires, before further flight, replacing the unairworthy hub with an airworthy hub. Additionally, if a cracked hub is found, this AD requires reporting the finding to the Los Angeles Aircraft Certification Office within 10 days of finding the crack. This AD is prompted by two reports of cracks detected in the hub in the area near the flex beam bolt hole locations during maintenance on two MDHI Model MD900 helicopters. The actions specified by this AD are intended to detect a crack in the hub and prevent failure of the hub and subsequent loss of control of the helicopter.

DATES: Effective December 1, 2010, to all persons except those persons to whom it was made immediately effective by Emergency AD 2010–18–52, issued on August 23, 2010, which contained the requirements of this amendment.

Comments for inclusion in the Rules Docket must be received on or before January 18, 2011.

ADDRESSES: Use one of the following addresses to submit comments on this AD:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*. Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

You may get the service information identified in this AD from MD Helicopters, Inc., 4555 East McDowell Road, Mesa, Arizona 85215–9734, USA, telephone (480) 346–6300 or (800) 388–3378, fax (480) 346–6813, or at *serviceengineering@mdhelicopters.com*.

Examining the Docket: You may examine the docket that contains the AD, any comments, and other information on the Internet at *http://www.regulations.gov*, or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Operations office (telephone (800) 647–5527) is located in Room W12–140 on the ground floor of the West Building at the street address stated in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Roger Durbin, Aviation Safety Engineer, FAA, Los Angeles Aircraft Certification Office, Airframe Branch, 3960 Paramount Blvd., Lakewood, California 90712, telephone (562) 627–5233, fax (562) 627–5210.

SUPPLEMENTARY INFORMATION: On August 18, 2010, we issued Emergency AD 2010–18–51. That Emergency AD was prompted by two reports of cracks detected in the hub in the area near the flex beam bolt hole locations during

maintenance on two MDHI Model MD900 helicopters. That Emergency AD required, within 4 hours time-in-service, visually inspecting the hub for a crack, paying particular attention to the area of the 5 flex beam bolt hole locations. If you found a crack, the Emergency AD 2010–18–51 required, before further flight, replacing the unairworthy hub with an airworthy hub. If you found a cracked hub, the Emergency AD also required, within 10 days of finding the crack, reporting the finding to the Los Angeles Aircraft Certification Office.

After we issued Emergency AD 2010–18–51, we discovered that we used part number (P/N) 900R2102008–103, –105, and –107, in the "Applicability" section of the AD, which is incorrect. The correct P/N is 900R2101008–103, –105, and –107. Therefore, we superseded Emergency AD 2010–18–51 with Emergency AD 2010–18–52. Emergency AD 2010–18–52 contains the same requirements as Emergency AD 2010–18–51 but corrects the P/N for the hub.

We have reviewed two letters issued by MDHI, dated August 11 and August 16, 2010, recommending visual inspections, feedback from operators, and diligence in conducting "preflight inspections" of the hub. MDHI has received reports of two cracked hubs. The hubs were returned to MDHI for evaluation, and MDHI is analyzing the cracked hubs.

This unsafe condition is likely to exist or develop on other helicopters of the same type design. Therefore, this AD requires, within 4 hours time in service, visually inspecting the hub for a crack, paying particular attention to the area of the 5 flex beam bolt hole locations. If you find a crack, this AD requires, before further flight, replacing the unairworthy hub with an airworthy hub. If you find a cracked hub, this AD also requires, within 10 days of finding the crack, reporting the finding to the Los Angeles Aircraft Certification Office. This AD is an interim action pending the results of an ongoing investigation to determine further corrective actions.

The short compliance time involved is required because the previously described critical unsafe condition can adversely affect the structural integrity and controllability of the helicopter. Therefore, a visual inspection of the hub is required within 4 hours time-in-service. If a crack is found, the unairworthy hub must be replaced with an airworthy hub before further flight, and this AD must be issued immediately.

Since it was found that immediate corrective action was required, notice and opportunity for prior public comment thereon were impracticable and contrary to the public interest, and good cause existed to make the AD effective immediately by individual letters issued on August 23, 2010 to all known U.S. owners and operators of MDHI Model MD900 helicopters. These conditions still exist, and the AD is hereby published in the **Federal Register** as an amendment to 14 CFR 39.13 to make it effective to all persons. However, we have added a paragraph (c) to the AD to add information regarding the Paperwork Reduction Act Burden Statement. We have determined that this change neither increases the economic burden on any operator nor increases the scope of the AD.

We estimate that this AD will affect 33 helicopters of U.S. registry. The required inspection of the hub will take approximately 1 work hour per helicopter to accomplish at an average labor rate of $85 per work hour for a labor cost of $85 per helicopter. If a cracked hub is found, it will take approximately 11 hours per helicopter to replace the hub at an average labor rate of $85 per work hour for a labor cost of $935 per helicopter. Therefore, it is estimated that the actions required by this AD will require a total of 12 work hours per helicopter for a total labor cost of $1,020. Required parts will cost approximately $12,480 for each hub. Based on these figures, we estimate the total cost impact of the AD on U.S. operators to be $29,635. This estimation assumes that each affected helicopter is inspected and that only two helicopters have a hub that is cracked and needs to be replaced.

Comments Invited

This AD is a final rule that involves requirements that affect flight safety and was not preceded by notice and an opportunity for public comment; however, we invite you to submit any written data, views, or arguments regarding this AD. Send your comments to an address listed under **ADDRESSES**. Include "Docket No. FAA–2010–1126; Directorate Identifier 2010–SW–078–AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the AD. We will consider all comments received by the closing date and may amend the AD in light of those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov*, including any personal information you provide. We will also post a report summarizing each substantive verbal contact with FAA personnel concerning this AD. Using the search function of our docket Web site, you can find and read the comments to any of our dockets, including the name of the individual who sent the comment. You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Regulatory Findings

We have determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that the regulation:

1. Is not a "significant regulatory action" under Executive Order 12866;

2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and

3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared an economic evaluation of the estimated costs to comply with this AD. *See* the AD docket to examine the economic evaluation.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in subtitle VII, part A, subpart III, section 44701, "General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration

amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. Section 39.13 is amended by adding a new airworthiness directive to read as follows:

2010–18–52 MD Helicopters, Inc.: Amendment 39–16515. Docket No. FAA–2010–1126; Directorate Identifier 2010–SW–078–AD. Supersedes Emergency AD 2010–18–51, Directorate Identifier 2010–SW–076–AD.

Applicability: Model MD900 helicopters, with lower main rotor hub (hub), part number 900R2101008–103, -105, and -107, installed, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To detect a crack in the hub and prevent the failure of the hub and subsequent loss of control of the helicopter, do the following:

(a) Within 4 hours time-in-service, visually inspect the hub for a crack, paying particular attention to the area of the 5 flex beam bolt hole locations. If you find a crack, before further flight, replace the hub with an airworthy hub.

(b) If you find a crack, within 10 days, report the finding to Roger Durbin, Aviation Safety Engineer, FAA, Los Angeles Aircraft Certification Office, Airframe Branch, e-mail *Roger.Durbin@faa.gov* or fax (562) 627–5210.

(c) A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to be approximately 5 minutes per response, including the time for reviewing instructions, completing and reviewing the collection of information. All responses to this collection of information are mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at: 800 Independence Ave., SW., Washington, DC 20591, Attn: Information Collection Clearance Officer, AES–200.

(d) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Contact the Manager, Los Angeles Aircraft Certification Office, FAA, ATTN: Roger Durbin, Aviation Safety Engineer, Airframe Branch, 3960 Paramount Blvd., Lakewood, California 90712, telephone (562) 627–5233, fax (562) 627–5210, for information about previously approved alternative methods of compliance.

(e) The Joint Aircraft System/Component (JASC) Code is 6220: Main Rotor Head.

(f) This amendment becomes effective on December 1, 2010, to all persons except those persons to whom it was made immediately effective by Emergency AD 2010–18–52, issued August 23, 2010, which contained the requirements of this amendment.

Issued in Fort Worth, Texas, on November 5, 2010.

Lance T. Gant,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2010–28456 Filed 11–15–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2010–0049; Airspace Docket No. 08–AWA–1]

RIN 2120–AA66

Modification of Class B Airspace; Charlotte, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies the Charlotte, NC, Class B airspace area to ensure the containment of aircraft, accommodate the implementation of area navigation (RNAV) departure procedures, and support operations of the third parallel runway at Charlotte/Douglas International Airport. The FAA is taking this action to improve the flow of air traffic, enhance safety, and reduce the potential for midair collision in the Charlotte, NC, terminal area.

DATES: *Effective Date:* 0901 UTC, January 13, 2011. The Director of the Federal Register approves this incorporation by reference action under 3 CFR part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: Paul Gallant, Airspace Regulations and ATC Procedures Group, Office of Airspace Systems and AIM, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; *telephone:* (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Background

On March 3, 2010, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to modify the Charlotte, NC Class B airspace area (75 FR 9538). This action proposed to expand the lateral and vertical limits of the Charlotte Class B airspace area: To provide the additional airspace needed to support operations of a third parallel runway and the implementation of RNAV departure procedures; to contain ILS approach procedures for runways 23, 18L, 18C (formerly 18R but redesignated November 20, 2008) and the new runway (18R); and to contain aircraft being vectored to a base leg from the west when Charlotte/Douglas International Airport (CLT) is on a north operation.

In addition, the FAA published in the **Federal Register** a correction to the notice to provide a graphic chart of the proposed area that was inadvertently omitted from notice (75 FR 13049; March 18, 2010). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. Twelve written comments were received in response to the notice.

Discussion of Comments

Two commenters expressed concerns about the availability of the published low altitude area navigation (RNAV) routes (*i.e.,* T-routes) through the Charlotte terminal area. One commenter wrote that he regularly flies east/west across North Carolina but seldom is cleared for a T-route. Another commenter said that the FAA should re-evaluate and potentially amend the Charlotte T-routes if necessary to increase availability.

There are currently four T-routes that traverse Charlotte's terminal airspace. T–200 and T–202 are east/west oriented routes; and T–201 and T–203 are north/south routes. The FAA acknowledges that availability of the east/west T-routes is limited. When the new runway 36L/18R opened in November 2009 and in order to accommodate triple instrument operations, Charlotte airport traffic control tower (ATCT) restricted overflight traffic on V–66, T–200 and T–202 during certain times. This restriction is in place when Charlotte is on a north operation (*i.e.,* aircraft landing and departing to the north). The FAA has reviewed the existing T-routes and found that it is difficult to utilize the east/west T-routes through the Charlotte terminal area more than the current practice. When Charlotte is on a north operation, final radar airspace begins at Charlotte airport and extends southward to the boundary with Columbia, SC, ATCT airspace. On a south operation, final radar airspace begins at the airport and extends northward to the boundary with Atlanta Air Route Traffic Control Center (ARTCC). Because traffic in the above mentioned areas is descending from the enroute structure all the way to the surface for landing, it is difficult to

provide additional T-routes through these areas. This is likely to continue because, since June 2009, there has been a five percent increase in traffic at the Charlotte airport, with traffic projected to continue to increase at a moderate rate. It should be noted that controllers do not normally "offer" T-routes to pilots when they are approaching Charlotte airspace. When these routes were first developed, it was the expectation that pilots would file the T-routes in their flight plan. When the T-route is not filed in the flight plan and a pilot subsequently requests clearance into a T-route, controllers must re-clear the aircraft off the filed route and onto the T-route and amend the pilot's route in the National Airspace System (NAS). This could lead to confusion as to where the route begins and ends, and where the route leaves or rejoins the previously filed route. It should also be noted that the two north/south oriented T-routes through Charlotte's airspace remain available with very few restrictions. Any limitations imposed on those routes would be based on real-time traffic. If pilots wish to file a T-route in the flight plan, Charlotte controllers will make every attempt to allow the pilot to remain on the route.

Five persons wrote with concerns about expanding the part of the Class B airspace (with a 4,000 foot MSL floor) over Lancaster County-McWhirter Field (LKR), located in Lancaster, South Carolina. They contend that the change would cause the loss of, or modification to, an approved Aerobatic Practice Area (APA) at LKR. The APA is used by many members of the International Aerobatic Club and a number of aerobatic teams train there. The APA currently extends from 500 feet above ground level (AGL) to 4,000 feet AGL, and operates in accordance with a waiver granted by the FAA. Commenters contend that the Class B airspace floor is set at 4,000 feet MSL in this area as proposed, the APA would extend nearly 500 feet into Class B airspace. They note that the APA ceiling could be lowered to 3,500 feet AGL, but this would allow only a 14 foot margin below the Class B for pilots to avoid an airspace violation. Commenters suggested that the Class B floor over LKR be raised to at least 5,000 feet MSL to allow them to fly safely while practicing competitive aerobatics.

The FAA recognizes that establishing a 4,000 foot MSL Class B airspace floor would place the ceiling of LKR's APA within Class B airspace. However, FAA's facility operation directive (FAA Order 7210.3, Facility Operation and Administration) specifically addresses aerobatic practice areas and provides a means for air traffic managers to accommodate aerobatic practice activity within Class B airspace. Based on the guidelines stated in the directive, the FAA believes it can work out a satisfactory arrangement with the aerobatic operators at LKR.

Also, one of the commenters questioned the need for Charlotte arrivals from the southeast and the west to be at 3,500 feet AGL when 30 nautical miles (NM) from the Charlotte airport. The FAA has carefully considered the Class B airspace configuration in this area. The proposal to extend Class B airspace over LKR with a floor of 4,000 feet MSL was based on procedures required for managing arrivals and departures using runway 36R. Runway 36R is used for all east and southbound departures. In addition, runway 36R is used for both departure and arrival traffic to avoid extensive taxi and runway crossing requirements. General aviation, corporate and military traffic departing from and arriving to, the fixed base operator and Air National Guard areas on the airport are often assigned runway 36R. Assigning this traffic to runway 36R enhances efficiency because that runway is closest to those ramps and parking areas. This practice keeps runway crossings to a minimum, which reduces the potential for runway incursions and greatly enhances the safety of aircraft movement on the airport surface areas. Arrivals to runway 36R often require at least four nautical miles (NM) in-trail spacing. This is necessary to provide space for runway 36R departures to depart safely between arrivals. In-trail spacing of greater than four NM is required for wake turbulence considerations when the preceding aircraft is a heavy jet or if the weight class difference between the leading and trailing aircraft meet certain criteria. Both the in-trail spacing required for departures and the in-trail spacing required for wake turbulence contribute to the lengthening of the final approach course. Therefore, it is not uncommon for the final approach course to extend to a point adjacent to LKR.

Additionally, the initial approach altitude for traffic conducting the ILS runway 36R approach is 4,000 feet MSL. During triple simultaneous ILS operations (runways 36R, 36C and 36L) the following altitude assignments are used: Runway 36R—4,000 feet MSL; runway 36C—8,000 feet MSL; and runway 36L—5,000 or 6,000 feet MSL. FAA separation standards for triple ILS approaches require that arriving aircraft be vertically separated by a minimum of 1,000 feet until they are established inbound on the ILS final approach course (localizer). Based on the above, the FAA concluded that the 4,000 foot MSL floor is needed to provide adequate Class B airspace for these aircraft operations.

Two commenters wrote that the expansion of Class B airspace by adding Area J would significantly impact general aviation and sky diving operations at Chester Catawba Regional Airport (DCM), in Chester, SC. The new Area J lies to the south of the Charlotte airport between the 25 NM and 30 NM arcs of the Charlotte VOR/DME. It extends from 4,000 feet MSL up to 10,000 feet MSL. While DCM currently lies outside the Charlotte Class B airspace area, the new Area J would overlie the airport.

The FAA does not agree that the new Area J would cause significant impact on DCM operations. The instrument procedures serving the airport are still available and airport VFR traffic patterns are not affected by the expanded Class B airspace. The sky dive operations will continue to be accommodated at DCM. Charlotte ATCT is working with the operators of SkyDive Carolina to develop a mutually satisfactory Letter of Agreement (LOA) governing those operations. The LOA will standardize the handling of jump aircraft at DCM and provide a workable solution that will mitigate the concerns of both parties.

One commenter questioned the validity of the reason stated in the notice for lowering Class B airspace to 4,000 feet MSL in that area. The NPRM stated that when Charlotte is on a north operation, a significant number of aircraft inbound from the southwest on either the UNARM ONE or ADENA TWO standard terminal arrival routes (STAR) exit and reenter Class B airspace between the current 6,000 foot MSL Class B airspace floor and the 4,600 foot MSL floor to the south-southwest of Charlotte. The commenter questioned this reasoning because the two STARs never get closer than nine NM to DCM. The commenter suggested that a two NM cutout of Class B airspace centered on DCM would permit unhampered operations at DCM while containing aircraft inbound to CLT within Class B airspace.

The FAA does not agree with the suggestion for a two NM Class B airspace cutout around DCM. If the airspace over DCM is not contained within Class B airspace, it would be necessary for controllers to direct aircraft to the north or south of DCM. This would greatly increase controller workload and frequency congestion while decreasing efficiency. The FAA finds that any Class B airspace cutout of usable size or shape would require

extensive vectoring of aircraft to remain in Class B airspace.

In response to the above mentioned comment that the UNARM and ADENA STARs never get closer than nine NM to DCM, it is true when Charlotte is on a south operation using runways 18R, 18C, 18L and 23 for landing. However, when Charlotte is on a north operation, traffic is vectored off the UNARM and ADENA STARs almost immediately upon entering Charlotte ATCT's area of jurisdiction. This traffic is then assigned an easterly heading for vectors to the runway 36L, 36C or 36R final approach course. A review of radar-derived plots of actual flight patterns used on a north operation clearly show that DCM is overflown by aircraft assigned these base leg vectors.

Two commenters asked the FAA to consider lowering the current 10,000 foot MSL ceiling of the Charlotte Class B airspace area to 7,000 feet MSL. One commenter stated that there is no requirement for Class B airspace to extend to 10,000 feet MSL and cited other Class B locations (New York, Philadelphia and Boston) that currently have a 7,000 foot ceiling. The commenter believes that reducing the Charlotte Class B airspace ceiling would allow nonparticipating aircraft to transition the area with greater ease, reducing pilot and controller workloads.

The FAA does not agree with the commenters requests. Class B design guidelines state that the upper limit of Class B airspace normally should not exceed 10,000 feet MSL. However, Class B airspace dimensions are individually tailored to site-specific requirements. To illustrate this, there are 30 Class B airspace areas (covering 37 primary airports). Of these areas, 13 have Class B ceilings at 10,000 feet MSL; 5 areas have 7,000 foot ceilings; 6 areas at 8,000 feet; 3 areas at 9,000 feet; and 3 areas have ceilings above 10,000 feet MSL. In the case of the Charlotte Class B airspace area, the FAA determined that lowering the Class B ceiling from 10,000 feet to 7,000 feet MSL would not provide adequate Class B airspace for aircraft operating into and out of the Charlotte airport. Specifically, Charlotte procedures and letters of agreement with adjacent ARTCCs require arriving turbojet and high performance turboprop aircraft enter Charlotte ATCT's area of jurisdiction at altitudes between 10,000 feet and 13,000 feet MSL. Once inside Charlotte ATCT's area of jurisdiction, this arrival traffic is assigned an altitude of 9,000 feet until abeam the Charlotte airport (for downwind traffic). Turbojet departures are assigned an initial altitude of 8,000 feet. Frequently, the arrivals at 9,000 feet and the departures at 8,000 feet "cross out" within 20 NM of the Charlotte airport. By lowering the Class B ceiling to 7,000 feet as suggested, uncontrolled VFR aircraft, not in communication with ATC, would be added to this mix of cross-out traffic. This situation would not provide adequate protection to the arrivals, departures and VFR aircraft operating in a congested airspace area as they transition to and from the enroute structure.

One commenter wrote about problems encountered when departing IFR northeastbound from the Lake Norman Airpark (14A), Mooresville, NC, to Greensboro, NC. The commenter, who flies a high-performance, single-engine turboprop aircraft, said he was directed to fly at 3,000 feet southeastbound for 325 miles in order to go northeast bound to Greensboro, NC. In addition, when flying northbound from Columbia, SC, to 14A, the commenter stated he is required to fly the arrival from Florence, SC to 14A, which is a considerable deviation. The commenter also requested that the FAA establish IFR routes to the north through Charlotte airspace.

The FAA is not aware of any aircraft that are vectored 325 miles off course. In fact, the longest radius the Charlotte ATCT facility controls from Charlotte Airport is less than 60 miles. Traffic departing Lake Norman Airpark with a destination of Greensboro Airport (GSO) should be able to proceed initially at an altitude of 3,000 feet, and then receive a climb clearance to a higher altitude within 15–20 miles (in a worst-case scenario). This would normally only occur if Charlotte were using a triple parallel simultaneous ILS approach, south operation, which occurs very infrequently (less than 5% of operations). If Charlotte were on a south converging operation (approximately 55% of the time) the aircraft in question should be able to climb to at least 5,000 feet within 10 miles of the Lake Norman Airpark, and then continue to climb to the pilot's requested altitude. If Charlotte is on a north operation (approximately 40% of operations) this aircraft should normally be assigned its final requested altitude within 10 miles of the Lake Norman Airpark. As is the case with most high density terminal areas, all high performance turbine-powered aircraft are assigned specific STARs. In the case of Charlotte, these STARs are arranged in a four-corner "bedpost" configuration. Therefore, high performance traffic from the Columbia, SC, Airport would be routed by the surrounding ARTCCs via either the UNARM or Chesterfield (or equivalent RNAV) STARs. If the traffic is not high performance (turbine powered) it could proceed virtually direct at an altitude of at or below 7,000 feet. Depending on traffic volume, low-performance aircraft could expect to be vectored 15 to 20 miles east or west of Charlotte airport to avoid congestion during busy periods.

Regarding the request to establish IFR routes north through Charlotte airspace, there are two north-south RNAV T-routes (T–201 and T–203) through the Charlotte Class B airspace area. RNAV route T–203 extends between Columbia, SC (CAE) and Pulaski, VA (PSK) transiting through the west side of the Charlotte Class B airspace area. In addition, VOR Federal airway V–37 is a north-south route through the Class B airspace area.

Three commenters from the Lancaster County, SC, area were concerned with noise and environmental issues. They argue that there would be an increase in noise from extending the Charlotte Class B airspace area that would affect lifestyle, wildlife and property values in the area. They questioned the need for aircraft to fly so low over Lancaster, SC, which is 40 miles from Charlotte Airport. They suggested that aircraft fly no lower than 5,000 feet over the area.

The purpose of Class B airspace is to reduce the potential for midair collisions in the airspace surrounding airports with high density air traffic operations. All aircraft operating in Class B airspace are subject to certain operating rules and equipment requirements. Class B airspace ensures that all aircraft flying in close proximity to high-performance, turbine-powered aircraft are under the guidance and control of an Air Traffic Control (ATC) facility. Aircraft flight paths are dictated by many factors including, but not limited to: the direction of operation at the Charlotte Airport; weather conditions, which determine the type of approaches being conducted; and traffic volume, which determines how long the final approach course is, as well as the base leg and downwind flight paths of aircraft. At Charlotte Airport, traffic volume varies with the time of day and, to some extent, the day of the week.

As discussed above in response to a previous comment, ATC procedures require that aircraft must be assigned non-conflicting altitudes. During triple parallel ILS operations, ATC assigns altitudes that are at least 1,000 feet apart to ensure separation between aircraft being vectored "head-on" to adjacent final approach courses. This is why aircraft using runways 36R and 36L are assigned 4,000 feet and 5,000 feet respectively. The use of the 4,000-foot altitude over the Lancaster area has been

in place for several years (It should be noted that the previous required altitude was 3,600 feet).

Because of the extensive use of runway 36R for departures, arriving aircraft must be spaced further apart to provide room for aircraft awaiting take off to be sequenced between aircraft that are landing. This means that, during heavy departure periods, the final approach course for traffic landing on runway 36R often extends 25 to 30 miles from the airport. This places much of this traffic over the Lancaster, SC, area at an assigned altitude of 4,000 feet. The expansion of the Charlotte Class B airspace area will provide Class B protection for these aircraft operating at 4,000 feet.

If 5,000 feet is used as the floor of Class B airspace in the vicinity of Lancaster, SC, it will require traffic assigned to runway 36L to operate no lower than 6,000 feet in order to meet the 1,000 foot vertical separation requirement. If traffic using runway 36L joins the final approach course at 6,000 feet instead of 5,000 feet, it would drive the final approach course out further from the airport. This could hamper the controller's flexibility in providing an orderly and expeditious flow of traffic because less room would be available for vectoring, sequencing and spacing traffic.

The Rule

The FAA is amending Title 14, Code of Federal Regulations (14 CFR) part 71 to modify the Charlotte, NC, Class B airspace area. This action (depicted on the attached chart) expands the lateral and vertical limits of the Charlotte Class B airspace area to provide the additional airspace needed to: ensure the containment aircraft within Class B airspace as required by FAA directives; support the operations of a third parallel runway (18R/36L); and, accommodate RNAV departure procedures. The modifications to the Charlotte Class B airspace area are summarized below:

Area A that extends from the surface to and including 10,000 feet MSL is unchanged by this rule.

Area B that extends from 1,800 feet MSL up to 10,000 feet MSL is modified by expanding a part of Area B north of the Charlotte Airport from the current 11 NM arc of the Charlotte VOR/DME (CLT) outward to the 14 NM arc. This expansion of Area B is made only from the point of intersection of the CLT 14 NM arc and Highway 321, then clockwise along the 14 NM arc to the CLT 024°T radial. At that point, Area B reverts to the existing 11 NM arc. The purpose of this change is to ensure that arrivals to runways 18R, 18C and 18L are contained within Class B airspace throughout the approach. In addition, the cutout around the Gastonia Municipal Airport (AKH) is widened to facilitate better access to and from the airport.

Area C is that airspace extending upward from 3,600 feet MSL to and including 10,000 feet MSL that lies to the north of Area B. Additionally, the northeast edge of Area C is moved from the current CLT 20 NM arc outward to the 23 NM arc. This change extends the 3,600 foot Class B airspace floor by 3 NM to the northeast to accommodate vectoring patterns and the descent profile of aircraft conducting the ILS RWY 23 approach.

Area D is redescribed as a small area located east of the Charlotte Airport, (south of Area C and east of Area B) that extends from 5,000 feet MSL up to 10,000 feet MSL. The modified Area D lowers Class B airspace from 6,000 feet MSL to 5,000 feet MSL in order to contain aircraft flying easterly RNAV departure procedures within Class B airspace during climbout.

Area E is redescribed as that airspace from 3,600 feet MSL up to 10,000 feet MSL, located to the south of Area B. The modified Area E extends the 3,600 foot Class B airspace floor southward to the CLT 25 NM arc. This will provide adequate vectoring airspace and ensure that aircraft will be retained within Class B airspace.

Area F is redescribed as that airspace extending from 4,000 feet MSL to 10,000 feet MSL. The modified Area F is located southwest of AKH within an area bounded by Highway 321, the CLT 20 NM arc and power lines that extend in a southwesterly direction west of AKH. This area provides an adequate vector area for runway 5 arrivals.

Area G is a new area extending from 5,000 feet MSL up to 10,000 feet MSL located generally northwest of AKH. Area G consists of that airspace within an area bounded by the power lines, the CLT 20 NM arc, and Highway 321. Along with Area F, Area G provides airspace to prevent aircraft departing on westerly tracks from exiting and reentering Class B airspace during climbout.

Area H is a new area extending from 4,000 feet MSL up to 10,000 feet MSL in the northernmost section of the Charlotte Class B airspace area. This area extends the 4,000 foot floor of Class B airspace out to the CLT 30 NM arc, north of the airport. This extension is needed to provide adequate airspace needed for separation and vectoring arrivals to the appropriate final approach course; to comply with simultaneous triple ILS procedures; and, to ensure aircraft remain within Class B airspace.

Area I is a new segment defining the easternmost section of the Class B airspace area. Area I extends from 6,000 feet MSL up to 10,000 feet MSL. This segment lowers the floor of Class B airspace from 8,000 feet MSL to 6,000 feet MSL within that area from Highway 601 eastward to the CLT 25 NM. The rest of Area I retains the current 6,000 foot MSL floor. These changes ensure arrivals and departures do not exit and reenter Class B airspace.

Area J is a new area directly south of Area E. Area J extends Class B airspace, with a 4,000 foot MSL floor, southward between the CLT 25 NM arc and the CLT 30 NM arc. This expands the 4,000 foot floor of Class B airspace out to the CLT 30 NM arc, south of the airport. This extension is needed to provide adequate airspace needed for separation and vectoring arrivals to the appropriate final approach course; to comply with simultaneous triple ILS procedures; and, to ensure that aircraft remain within Class B airspace.

Area K is a new segment defining the westernmost section of the Class B airspace area. Area K extends from 6,000 feet MSL up to 10,000 feet MSL. This segment lowers the floor of Class B airspace from 8,000 feet MSL to 6,000 feet MSL within the area between the CLT 20 NM arc and the CLT 25 NM arc (west of the Charlotte Airport). Area K also extends Class B airspace southward to abut Area J. The rest of the airspace in Area K retains the current 6,000 foot MSL floor.

Finally, the Charlotte/Douglas International Airport reference point coordinates in the Class B airspace legal description are changed from lat. 35°12′52″ N., long. 80°56′36″ W., to 35°12′49″ N., long. 80°56′57″ W., to reflect the latest National Airspace System data.

The above changes to the Charlotte Class B airspace area are needed to ensure the containment of IFR aircraft within Class B airspace as required by FAA directives; accommodate the implementation of RNAV departure procedures; and support operations of a third parallel runway.

All radials listed in the Charlotte Class B airspace description in this rule are stated in degrees relative to True North.

Class B airspace areas are published in paragraph 3000 of FAA Order JO 7400.9U, dated August 18, 2010 and effective September 15, 2010 which is incorporated by reference in 14 CFR 71.1. The Class B airspace area in this document will be published subsequently in the Order.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, "Environmental Impacts: Policies and Procedures," paragraph 311a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that the FAA consider the impact of paperwork and other information collection burdens imposed on the public. We have determined that there is no new information collection requirement associated with this final rule.

Regulatory Evaluation Summary

Changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 directs that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 (Pub. L. 96–354) requires agencies to analyze the economic impact of regulatory changes on small entities. Third, the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million or more annually (adjusted for inflation with base year of 1995). This portion of the preamble summarizes the FAA's analysis of the economic impacts of this final rule. Department of Transportation Order DOT 2100.5 prescribes policies and procedures for simplification, analysis, and review of regulations. If the expected cost impact is so minimal that a proposed or final rule does not warrant a full evaluation, this order permits that a statement to that effect and the basis for it be included in the preamble if a full regulatory evaluation of the cost and benefits is not prepared. Such a determination has been made for this final rule. The reasoning for this determination follows:

This final rule enhances safety by improving the flow of air traffic thereby reducing the potential for midair collision in the Charlotte, NC, terminal area. After consultation with a diverse cross-section of stakeholders that participated in the ad hoc committee, we found in the NPRM that the proposed rule might result in minimal cost. As we received no adverse comments regarding the initial economic analysis, we have determined that this final rule will result in minimal cost.

This final rule will enhance safety, reduce the potential for a midair collision and will improve the flow of air traffic. As such, we estimate a minimal impact with substantial positive net benefits. FAA has, therefore, determined that this final rule is not a "significant regulatory action" as defined in section 3(f) of Executive Order 12866, and is not "significant" as defined in DOT's Regulatory Policies and Procedures.

Final Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (Pub. L. 96–354) (RFA) establishes "as a principle of regulatory issuance that agencies shall endeavor, consistent with the objectives of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the businesses, organizations, and governmental jurisdictions subject to regulation. To achieve this principle, agencies are required to solicit and consider flexible regulatory proposals and to explain the rationale for their actions to assure that such proposals are given serious consideration." The RFA covers a wide-range of small entities, including small businesses, not-for-profit organizations, and small governmental jurisdictions.

Agencies must perform a review to determine whether a rule will have a significant economic impact on a substantial number of small entities. If the agency determines that it will, the agency must prepare a regulatory flexibility analysis as described in the RFA.

However, if an agency determines that a rule is not expected to have a significant economic impact on a substantial number of small entities, section 605(b) of the RFA provides that the head of the agency may so certify and a regulatory flexibility analysis is not required. The certification must include a statement providing the factual basis for this determination, and the reasoning should be clear.

Our initial determination was that the rule would not have a significant economic impact on a substantial number of small entities. We received no public comments regarding our initial determination. As such, this final rule will not have a significant economic impact on a substantial number of small entities because the economic impact is expected to be minimal.

Therefore the FAA Administrator certifies that this final rule will not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Assessment

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in an expenditure of $100 million or more (in 1995 dollars) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a "significant regulatory action." The FAA currently uses an inflation-adjusted value of $143.1 million in lieu of $100 million. The FAA has assessed the effect of this final rule and determined that it will enhance safety and is not considered an unnecessary obstacle to trade.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

■ In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9U, Airspace Designations and Reporting Points, dated August 18, 2010, and effective September 15, 2010, is amended as follows:

Paragraph 3000 Subpart B—Class B Airspace.

* * * * *

ASO NC B Charlotte, NC [Revised]

Charlotte/Douglas International Airport
(Primary Airport)
(Lat. 35°12′49″ N., long. 80°56′57″ W.)
Charlotte VOR/DME
(Lat. 35°11′25″ N., long. 80°57′06″ W.)
Gastonia Municipal Airport
(Lat. 35°12′10″ N., long. 81°09′00″ W.)

Boundaries

Area A. That airspace extending upward from the surface to and including 10,000 feet MSL within a 7-mile radius of the Charlotte VOR/DME.

Area B. That airspace extending upward from 1,800 feet MSL to and including 10,000 feet MSL bounded by a line beginning at the Charlotte VOR/DME 024° radial 14-mile fix; thence direct to the Charlotte VOR/DME 032° radial 11-mile fix, thence clockwise via the 11-mile arc of the Charlotte VOR/DME to lat. 35°09′37″ N., long. 81°10′21″ W.; thence east to lat. 35°10′17″ N., long. 81°08′10″ W.; thence counterclockwise around a 2-mile radius of the Gastonia Municipal Airport to lat. 35°14′02″ N., long. 81°08′10″ W.; thence west to intersect U.S. Highway 321 at lat. 35°15′00″ N., long. 81°11′21″ W.; thence north along U.S. Highway 321 to the 14-mile arc of the Charlotte VOR/DME at lat. 35°19′20″ N., long. 81°11′13″ W.; thence clockwise via the 14-mile arc to the point of beginning, excluding that airspace within Area A described above.

Area C. That airspace extending upward from 3,600 feet MSL to and including 10,000 feet MSL bounded by a line beginning at the intersection of U.S. Highway 321 and the Charlotte VOR/DME 20-mile arc at lat. 35°26′49″ N., long. 81°12′44″ W.; thence clockwise along the 20-mile arc to intersect the Marshall Steam Plant Rail Spur at lat. 35°31′14″ N., long. 81°00′42″ W.; thence north along the Rail Spur to the Charlotte VOR/DME 25-mile arc at lat. 35°36′25″ N., long. 80°58′57″ W.; thence clockwise along the 25-mile arc to long. 80°46′00″ W.; thence south along long. 80°46′00″ W., to the Charlotte VOR/DME 23-mile arc; thence clockwise along the 23-mile arc to the Charlotte VOR/DME 067° radial; thence southwest along the 067° radial to the Charlotte VOR/DME 20-mile arc; thence clockwise along the 20-mile arc to the Charlotte VOR/DME 081° radial; thence west along the 081° radial to the Charlotte VOR/DME 11-mile arc; thence counterclockwise along the 11-mile arc to the Charlotte VOR/DME 032° radial, 11-mile fix; thence direct to the Charlotte VOR/DME 024° radial, 14-mile fix; thence counterclockwise along the 14-mile arc of the Charlotte VOR/DME to intersect U.S. Highway 321 at lat. 35°19′20″ N., long. 81°11′13″ W., thence north along U.S. Highway 321 to the point of beginning.

Area D. That airspace extending upward from 5,000 feet MSL to and including 10,000 feet MSL bounded by a line beginning at the Charlotte VOR/DME 081° radial 11-mile fix; thence east along the 081° radial to the 20-mile fix; thence clockwise along the 20-mile arc of the Charlotte VOR/DME to lat. 34°56′07″ N., long. 80°41′23″ W.; thence north to the point of beginning.

Area E. That airspace extending upward from 3,600 feet MSL to and including 10,000 feet MSL bounded by a line beginning at lat. 35°15′00″ N., long. 81°11′21″ W., thence east to lat. 35°14′02″ N., long. 81°08′10″ W.; thence clockwise along a 2-mile radius of the Gastonia Municipal Airport to lat. 35°10′17″ N., long. 81°08′10″ W.; thence west to intersect the Charlotte VOR/DME 11-mile arc at lat. 35°09′37″ N., long. 81°10′21″ W.; thence counterclockwise along the 11-mile arc to the Charlotte VOR/DME 081° radial 11-mile fix; thence south direct to the Charlotte VOR/DME 147° radial 25-mile fix; thence clockwise along the 25-mile arc of the Charlotte VOR/DME to lat. 34°49′37″ N., long. 81°12′05″ W.; thence north to the Charlotte VOR/DME 218° radial 20-mile fix, thence clockwise along the 20-mile arc of the Charlotte VOR/DME, to intersect U.S. Highway 321 at lat. 34°57′21″ N., long. 81°14′28″ W.; thence north along U.S. Highway 321 to the point of beginning.

Area F. That airspace extending upward from 4,000 feet MSL to and including 10,000 feet MSL bounded by a line beginning at the intersection of the power lines and the Charlotte VOR/DME 20-mile arc at lat. 35°08′08″ N., long. 81°21′10″ W.; thence east along the power lines to intersect U.S. Highway 321 at lat. 35°11′52″ N., long. 81°12′41″ W.; thence south along U.S. Highway 321 to intersect the Charlotte VOR/DME 20-mile arc at lat. 34°57′21″ N., long. 81°14′28″ W; thence clockwise along the 20-mile arc to the point of beginning.

Area G. That airspace extending upward from 5,000 feet MSL to and including 10,000 feet MSL bounded by a line beginning at the intersection of the power lines and the Charlotte VOR/DME 20-mile arc at lat. 35°08′08″ N., long. 81°21′10″ W.; thence clockwise along the 20-mile arc to intersect U.S. Highway 321 at lat. 35°26′49″ N., long. 81°12′44″ W.; thence south along U.S. Highway 321 to intersect the power lines at lat. 35°11′52″ N., long. 81°12′41″ W.; thence west along the power lines to the point of beginning.

Area H. That airspace extending upward from 4,000 feet MSL to and including 10,000 feet MSL bounded by a line beginning at lat. 35°37′15″ N., long. 81°10′32″ W.; thence direct to intersect the Charlotte VOR/DME 30-mile arc at lat. 35°41′30″ N., long. 80°57′40″ W.; thence clockwise along the 30-mile arc to long. 80°46′00″ W.; thence south along long. 80°46′00″ W., to intersect the Charlotte VOR/DME 25-mile arc; thence counterclockwise along the 25-mile arc to intersect the Marshall Steam Plant Rail Spur at lat. 35°36′25″ N., long. 80°58′57″ W.; thence south along the Rail Spur to intersect the Charlotte VOR/DME 20-mile arc at lat. 35°31′14″ N., long. 81°00′42″ W.; thence counterclockwise along the 20-mile arc to intersect U.S. Highway 321 at lat. 35°26′49″ N., long. 81°12′44″ W.; thence north along U.S. Highway 321 to intersect the Charlotte VOR/DME 25-mile arc at lat. 35°32′26″ N., long. 81°13′44″ W.; thence clockwise along the 25-mile arc to intersect the Charlotte VOR/DME 337° radial; thence northwest along the 337° radial to the point of beginning.

Area I. That airspace extending upward from 6,000 feet MSL to and including 10,000 feet MSL bounded by a line beginning at the Charlotte VOR/DME 062° radial, 30-mile fix, thence southwest along the 062° radial to the 25-mile fix; thence clockwise along the Charlotte VOR/DME 25-mile arc to the Charlotte VOR/DME 120° radial; thence southeast along the 120° radial to the 30-mile fix; thence clockwise along the Charlotte VOR/DME 30-mile arc to lat. 34°44′58″ N., long. 80°39′47″ W.; thence north direct to intersect the Charlotte VOR/DME 20-mile arc at lat. 34°56′07″ N., long. 80°41′23″ W.; thence counterclockwise along the 20-mile arc to the Charlotte VOR/DME 067° radial; thence northeast along the 067° radial to the 23-mile arc; thence counterclockwise along the 23-mile arc to long. 80°46′00″ W.; thence north along long. 80°46′00″ W., to the Charlotte VOR/DME 30-mile arc; thence clockwise along the 30-mile arc to the point of beginning.

Area J. That airspace extending upward from 4,000 feet MSL to and including 10,000 feet MSL bounded by a line beginning at the Charlotte VOR/DME 147° radial 25-mile fix; thence direct to intersect the Charlotte VOR/DME 30-mile arc at lat. 34°44′58″ N., long. 80°39′47″ W.; thence clockwise along the Charlotte VOR/DME 30-mile arc to lat. 34°44′01″ N., long. 81°12′05″ W.; thence north to intersect the Charlotte VOR/DME 25-mile arc at lat. 34°49′37″ N., long. 81°12′05″ W.; thence counterclockwise along the Charlotte VOR/DME 25-mile arc to the point of beginning.

Area K. That airspace extending upward from 6,000 feet MSL to and including 10,000 feet MSL bounded by a line beginning at the Charlotte VOR/DME 293° radial, 30-mile fix; thence clockwise along the Charlotte VOR/DME 30-mile arc to lat. 35°41′30″ N., long. 80°57′40″ W.; thence southwest direct to intersect the Charlotte VOR/DME 337° at lat. 35°37′15″ N., long. 81°10′32″ W.; thence southeast along the 337° radial to the Charlotte VOR/DME 25-mile arc; thence counterclockwise along the 25-mile arc to intersect U.S. Highway 321 at lat. 35°32′26″ N., long. 81°13′44″ W., thence south along new Highway 321 to intersect the Charlotte VOR/DME 20-mile arc at lat. 35°26′49″ N., long. 81°12′44″ W.; thence counterclockwise along the 20-mile arc to the Charlotte VOR/DME 218° radial; thence south to intersect the Charlotte VOR/DME 30-mile arc at lat. 34°44′01″ N., long. 81°12′05″ W.; thence clockwise along the 30-mile arc to the Charlotte VOR/DME 242° radial, thence northeast along the 242° radial to the Charlotte VOR/DME 25-mile arc; thence clockwise along the 25-mile arc to the Charlotte VOR/DME 293° radial; thence northwest along the 293° radial to the point of beginning.

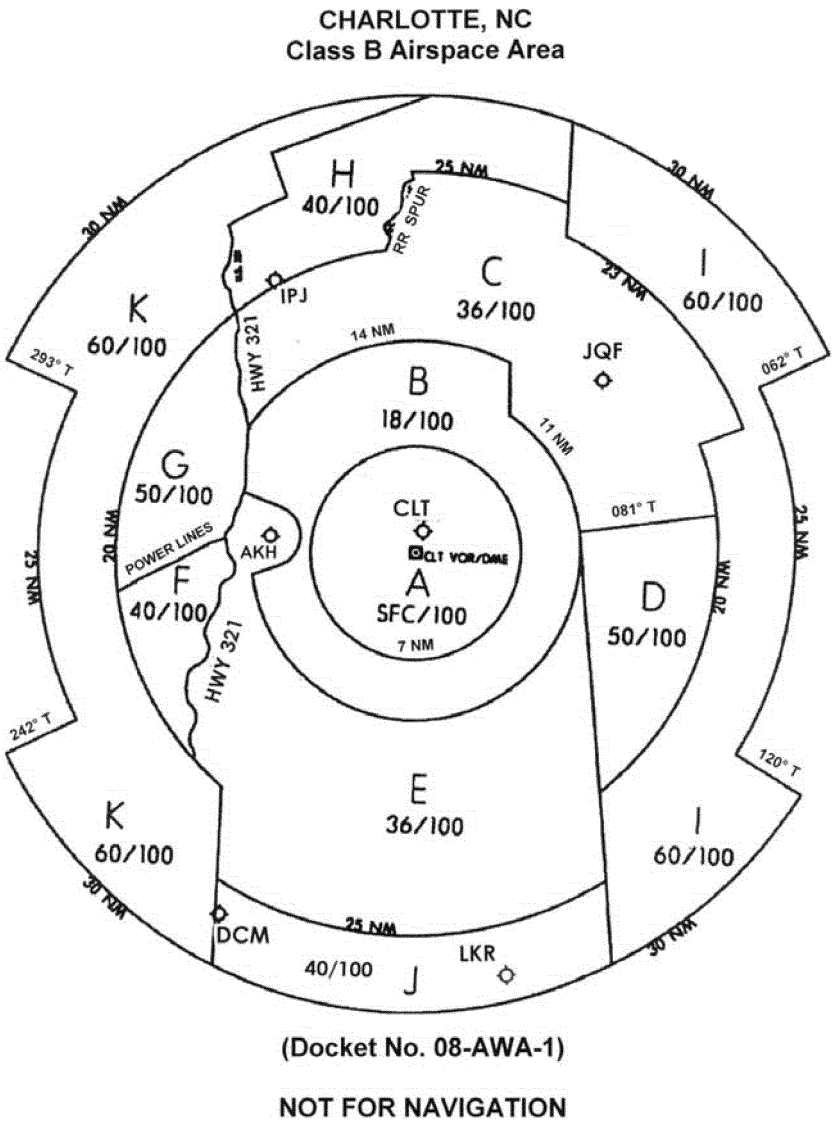
* * * * *

Issued in Washington, DC, on November 3, 2010.

Edith V. Parish,

Manager, Airspace, Regulations and ATC Procedures Group.

BILLING CODE 4910–13–P



[FR Doc. 2010–28399 Filed 11–15–10; 8:45 am]
BILLING CODE 4910–13–C

DEPARTMENT OF JUSTICE

28 CFR Part 0

[Docket No. OAG 136; A.G. Order No. 3227–2010]

Delegation of Authority Under 18 U.S.C. 249

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This rule amends 28 CFR part 0 to delegate the Attorney General's certification authority under 18 U.S.C. 249, relating to hate crimes, to the Assistant Attorney General for the Civil Rights Division, and, in limited circumstances, to the Assistant Attorney General for the Criminal Division.

DATES: *Effective Date:* November 16, 2010.

FOR FURTHER INFORMATION CONTACT: Robert Moossy, Acting Section Chief, Civil Rights Division, Criminal Section, Patrick Henry Building, 950 Pennsylvania Avenue, NW., Washington, DC 20530, (202) 305–2445.

SUPPLEMENTARY INFORMATION: On October 28, 2009, President Obama signed into law the Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act of 2009 (Shepard-Byrd Act). Among other things, the Shepard-Byrd Act created a new federal hate crime statute to be codified at 18 U.S.C. 249. The Shepard-Byrd Act expressly provides that no prosecution under section 249 may be undertaken without a written certification by the Attorney General (or a designee) that the State does not have jurisdiction; the State has requested that the federal government assume jurisdiction; the verdict or sentence obtained through State charges left demonstrably unvindicated the federal interest in eradicating bias-motivated violence; or a prosecution by the federal government is in the public interest and necessary to secure substantial justice. The statute expressly allows the Attorney General to delegate this certification authority to a designee, and this rule accordingly amends 28 CFR part 0 to delegate the Attorney General's certification authority under 18 U.S.C. 249 to the Assistant Attorney General for the Civil Rights Division, and, in limited circumstances, to the Assistant Attorney General for the Criminal Division.

Regulatory Certifications

This rule is a rule of agency organization, procedure, and practice and is limited to matters of agency management and personnel. Accordingly: (1) This rule is exempt

from the requirements of notice and comment and a delayed effective date, 5 U.S.C. 553(b), (d), and is made effective upon issuance; (2) the Department certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities and further that no Regulatory Flexibility Analysis was required to be prepared for this final rule since the Department was not required to publish a general notice of proposed rulemaking; and (3) this action is not a "regulation" or "rule" as defined by Executive Order 12866, "Regulatory Planning and Review," § 3(d) and, therefore, this action has not been reviewed by the Office of Management and Budget.

This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132, "Federalism," it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. This regulation meets the applicable standards set forth in Executive Order 12988, "Civil Justice Reform." This rule will not result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

This action pertains to agency management, personnel and organization and does not substantially affect the rights or obligations of non-agency parties and, accordingly, is not a "rule" as that term is used by the Congressional Review Act (Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA)). Therefore, the reporting requirement of 5 U.S.C. 801 does not apply.

List of Subjects in 28 CFR Part 0

Authority delegations (Government agencies), Government employees, Organization and functions (Government agencies), Privacy, Reporting and recordkeeping requirements, Whistleblowing.

■ Accordingly, by virtue of the authority vested in me as Attorney General, including 5 U.S.C. 301 and 28 U.S.C. 509, 510, part 0 of title 28 of the Code of Federal Regulations is amended as follows:

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

■ 1. The authority for citation for part 0 continues to read as follows:

Authority: 5 U.S.C. 301; 28 U.S.C. 509, 510, 515–519.

Subpart J—Civil Rights Division

■ 2. Section 0.50 is amended by adding a new paragraph (n) to read as follows:

§ 0.50 General functions.

* * * * *

(n) Upon request, certification under 18 U.S.C. 249, relating to hate crimes.

Subpart K—Criminal Division

■ 3. Section 0.55 is amended by adding a new paragraph (v) to read as follows:

§ 0.55 General functions.

* * * * *

(v) Upon request, certification under 18 U.S.C. 249, relating to hate crimes, in cases involving extraterritorial crimes that also involve charges filed pursuant to the Military Extraterritorial Jurisdiction Act (18 U.S.C. 3261 *et seq.*), or pursuant to chapters of the Criminal Code prohibiting genocide (18 U.S.C. 1091), torture (18 U.S.C. 2340A), war crimes (18 U.S.C. 2441), or recruitment or use of child soldiers (18 U.S.C. 2442).

Dated: November 8, 2010.

Eric H. Holder, Jr.,

Attorney General.

[FR Doc. 2010–28725 Filed 11–15–10; 8:45 am]

BILLING CODE 4410–13–P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 239

[DOD–2009–OS–0090; RIN 0790–AI58]

Homeowners Assistance Program—Application Processing

AGENCY: Under Secretary of Defense for Acquisition, Technology, and Logistics, Office of the Deputy Under Secretary of Defense (Installations and Environment), DoD.

ACTION: Final rule.

SUMMARY: This part continues to authorize the Homeowners Assistance Program (HAP) to financially compensate eligible military and civilian Federal employee homeowners when the real estate market is adversely affected directly related to the closure or reduction-in-scope of operations due to Base Realignment and Closure (BRAC). The American Recovery and Reinvestment Act of 2009 (ARRA) expanded the HAP to provide assistance to: Wounded members of the Armed Forces (30 percent or greater disability), surviving spouses of fallen warriors, and wounded Department of Defense (DoD) civilian homeowners reassigned in furtherance of medical treatment or rehabilitation or due to medical retirement in connection with their disability; Base Realignment and Closure (BRAC) 2005 impacted homeowners relocating during the mortgage crisis; and Service member homeowners undergoing Permanent Change of Station (PCS) moves during the mortgage crisis.

DATES: *Effective Date:* January 18, 2011.

FOR FURTHER INFORMATION CONTACT: Deanna Buchner, (703) 602–4353.

SUPPLEMENTARY INFORMATION:

The prompt implementation of the Final Rule is of critical importance in meeting the goals of the Department of Defense to provide financial stability and increase quality of life for those impacted by the mortgage crisis. The Department of Defense will provide financial assistance to offset financial losses of homeowners who need to sell their homes in conjunction with PCS moves, base closures, combat injuries, or loss of spouse in the line of duty.

The Under Secretary of Defense for Acquisition, Technology, and Logistics has overall responsibility and provides oversight for this program through the Deputy Under Secretary of Defense for Installations and Environment (DUSD(I&E)). The Army, acting as the DoD Executive Agent for administering the HAP and Expanded HAP, uses the Headquarters, U.S. Army Corps of Engineers (HQUSACE), to implement the program.

Comments: The Interim Final Rule was published in the **Federal Register** on September 30, 2009 (74 FR 50109–50115). In response to the Interim Final Rule, the DoD received 56 comments during the 90-day comment period. While many comments crossed several subject areas, generally they can be placed into three categories: Benefits, eligibility, or general.

1. *Benefit comments:* There were 16 comments relating to benefits. These comments concern: benefit percentage, government acquisition, short sale, closing costs, and application processing.

a. *Benefit percentage.* Three comments received concerning the restriction of 90 percent of the primary fair market value for Base Realignment and Closure (BRAC) 2005 and Permanent Change of Station (PCS)

applicants as opposed to the 95 percent offered in the American Recovery and Reinvestment Act (ARRA) legislation. Changing this restriction would increase program costs by at least five percent overall and place expanded program applicants in the same benefit category as those where a DoD action (closing an installation) caused the market decline. ARRA expansion of HAP is designed to assist eligible applicants from catastrophic financial loss, not protect a homeowner's investment in real property.

b. *Government acquisition.* One comment received. The comment concerned providing private sale augmentation at 100 percent of mortgage. Private Sale Augmentation is not authorized by law.

c. *Short sale.* Two comments received concerned applicants receiving benefits after being forgiven the outstanding mortgage by lender and with deficiency being subtracted from the final amount due. Changing the current requirement would enable an applicant to profit by receiving benefits for amounts forgiven by lenders. The requirement is further clarified in § 239.5(c)(1).

d. *Closing costs.* Five comments were received regarding clarification of what constitutes closing costs. A definition has been added to § 239.4 (Definitions) that clarifies what is included in closing costs.

e. *Application processing.* Five comments were received regarding how applications are processed and applicants subsequently notified of eligibility. Clarification has been added to § 239.9 (Application Processing Procedures) to ensure applicants understand that applications must be mailed or otherwise delivered to the Corps of Engineers district office.

2. *Eligibility comments:* There were 50 comments relating to eligibility criteria. These comments concern: BRAC 2005 purchase date, BRAC 2005 definition, Automated Valuation Model (AVM) methodology, Retiree and Reservist eligibility, Fannie Mae/Freddie Mac conforming loan limit, PCS purchase date, market decline, and Coast Guard eligibility.

a. *BRAC 2005 purchase date.* Six comments received suggesting changing the requirement for the home to be purchased as of the BRAC announcement date of May 13, 2005. This requirement remains unchanged. While language in the ARRA gives the Secretary of Defense the discretion to allow ownership until July 1, 2006, the basic HAP law, Demonstration Cities and Metropolitan Development Act of 1966, established that BRAC impacted individuals should own homes prior to announcement dates. For example, the two conventional homeowners assistance programs in effect under the prior law, which are now being executed at Naval Air Station (NAS) Brunswick, Maine, and Fort Monmouth, New Jersey, require ownership by May 13, 2005.

b. *BRAC 2005 eligibility.* Four comments received. One requested that eligibility for BRAC 2005 include those who were assigned to a BRAC installation but required to relocate for other than a BRAC action; one that recommended BRAC eligibility be expanded to include other Federal agency employees; one requesting BRAC eligibility include employees at non-BRAC sites but are affected by BRAC unit relocations; and one requesting a clarification of who is eligible for BRAC 2005 assistance. Current requirement remains unchanged. BRAC eligibility will continue to be only for those assigned to BRAC organizations where their positions are eliminated or relocated.

c. *AVM methodology and process.* Ten comments received expressing concern that the AVM does not represent current market conditions and requesting an explanation of the process and data behind the AVM uses to determine market value. The use of AVM to determine market value has been eliminated from the rule by no longer requiring owners to show a ten percent market loss.

d. *Retiree and Reservist eligibility.* Three comments received; two requesting voluntary retirement and one requesting Reservists be included as eligible for benefits. The primary focus of the Expanded HAP is helping those members where a DoD-ordered move caused the financial distress experienced by homeowners. Voluntary retirement is not a DoD-ordered move. Involuntary retirement, however, is a DoD-ordered move. Reservists called to active duty, who are not expected to move their household goods, have an option to remain in the areas where they live and are generally not eligible for the HAP benefit.

e. *FannieMae/FreddieMac (FM/FM) Conforming Loan Limit.* Twelve comments received. Some comments requested that this loan limit be lifted as an eligibility requirement because it does not capture what is occurring in today's market. Other comments requested that the focus of this limit be placed on the loan as opposed to purchase price. § 239.6(3) has been changed to remove the requirement for the Prior Fair Market Value (PFMV) or qualifying mortgage to be within the FM/FM conforming loan limit for eligibility purposes. The Final Rule removes the FM/FM limit as an eligibility requirement and specifies a cap on benefit payments. Benefits cannot exceed an amount equal to the highest 2009 FM/FM conforming loan limit (as amended by the ARRA of 2009), which is $729,750. For home purchase prices or qualifying mortgages that exceed this amount, the benefit calculation will use $729,750 as the purchase price or qualifying mortgage amount.

f. *Permanent Change of Station home purchase date.* Four comments received requesting information on how the date was chosen and/or requesting that the date be changed. The requirement to have purchased the home prior to July 1, 2006, is based on market trends documented by S&P/Case-Shiller Home Price Indices, which indicates over ten percent market decline through the second quarter of 2006 nationwide. The July 1, 2006, date is a statutory requirement and remains unchanged.

g. *Personal loss/Market loss requirement.* Nine comments received that suggested the requirement to show a ten percent market loss is too restrictive. The need to show a ten percent county/parish/city market decline has been eliminated from the rule; however, the requirement to show a ten percent decline in individual home value remains.

h. *Coast Guard eligibility.* Two comments received that expressed concern that because of Coast Guard PCS procedures, ending the PCS eligibility on December 31, 2009, unfairly excludes most Coast Guard applicants from qualifying for the HAP benefit. The end date for PCS eligibility for members of all services was extended to September 30, 2010.

3. *General comments:* Received 12 comments of a general nature in the following categories: tax, marketing, definition of purchase date, rulemaking process, and the appeal process.

a. *Tax.* Four comments were received requesting that tax implications be explained more clearly. 26 U.S.C. 132(n) exempts HAP benefits from Federal tax. This change has been made in § 239.5(d).

b. *Marketing.* Two comments were received requesting that the requirement to list houses on the market prior to obtaining HAP benefit be lifted. It is important to retain this requirement because it helps establish a home's current fair market value and will reduce the number of homes purchased and held in the Government's inventory which would increase program costs significantly.

c. *Purchase date definition.* Four comments were received requesting clarity on what determines a purchase date, *e.g..,* deed recording, signed contract. The Final Rule has been changed to add a definition of the term purchase. According to that definition, purchase occurs when the applicant enters into a contract for the purchase of the home or, in the event there is no contract for purchase, when the applicant closes on the property.

d. *Rulemaking process.* One comment received suggesting that extensions to public comment period be announced by a press release. The Department of Defense published a notice in the **Federal Register** on November 16, 2009 (74 FR 58846) extending the public comment period by an additional 60-days.

e. *Appeal process.* One comment received requesting information on appeal process. Section 239.11 (Appeals) explains the appeal process.

a. Executive Order 12866, "Regulatory Planning and Review"

Under Executive Order 12866, "Regulatory Planning and Review," 58 FR 51735 (Oct. 4, 1993), a "significant regulatory action" is subject to Office of Management and Budget (OMB) review and the requirements of Executive Order 12866. Section 3(f) of the Executive Order defines "significant regulatory action" as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more, or may adversely affect in a material way the economy; a sector of the economy; productivity; competition; jobs; the environment; public health or safety; or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

This rule is an economically significant regulatory action under section 3(f) of Executive Order 12866 because it is expected to have an annual effect on the economy of more than $100 million and materially alter the budgetary impact of the Homeowners Assistance Program. Accordingly, OMB has reviewed this rule.

b. Sec. 202, Public Law 104–4, "Unfunded Mandates Reform Act"

It has been certified by the DUSD(I&E) that 32 CFR part 239, does not contain a Federal mandate that may result in expenditure by State, local, and tribal governments, in aggregate, or by the private sector, of $100 million or more in any one year.

c. Public Law 96–354, "Regulatory Flexibility Act" (5 U.S.C. 601)

It has been certified by the DUSD(I&E) that 32 CFR part 239, is not subject to the Regulatory Flexibility Act (5 U.S.C. 601) because it would not, if promulgated, have a significant economic impact on a substantial number of small entities.

d. Public Law 96–511, "Paperwork Reduction Act" (44 U.S.C. Chapter 35)

It has been certified by the DUSD(I&E) that 32 CFR part 239, does impose reporting or recordkeeping requirements under the Paperwork Reduction Act of 1995. These requirements have been approved by the Office of Management and Budget under OMB Control Number 0704–0463.

e. Executive Order 13132, "Federalism"

It has been certified by the DUSD(I&E) that 32 CFR part 239, does not have federalism implications, as set forth in Executive Order 13132. This rule does not have substantial direct effects on:

(1) The States;

(2) The relationship between the Federal Government and the States; or

(3) The distribution of power and responsibilities among the various levels of Government.

List of Subjects in 32 CFR Part 239

Government employees; Grant programs—housing and community development; Housing; Military personnel.

■ Accordingly, 32 CFR part 239, is revised to read as follows:

PART 239—HOMEOWNERS ASSISTANCE PROGRAM—APPLICATION PROCESSING

Sec.

Authority: 42 U.S.C. 3374, as amended by Section 1001, ARRA, Public Law 111–5.

§ 239.1. Purpose.

This part:

(a) Continues to authorize the Homeowners Assistance Program (HAP) under Section 3374 of title 42, United States Code (U.S.C.), to assist eligible military and civilian Federal employee homeowners when the real estate market is adversely affected directly related to the closure or reduction-in-scope of operations due to Base Realignment and Closure (BRAC). Additionally, in accordance with section 1001, American Recovery and Reinvestment Act of 2009 (ARRA), Public Law 111–5, this part temporarily expands authority provided in section 3374, of title 42 U.S.C., to provide assistance to: Wounded, Injured, or Ill members of the Armed Forces (30 percent or greater disability), wounded Department of Defense (DoD) and Coast Guard civilian homeowners reassigned in furtherance of medical treatment or rehabilitation or due to medical retirement in connection with their disability, surviving spouses of fallen warriors, Base Realignment and Closure (BRAC) 2005 impacted homeowners relocating during the mortgage crisis, and Service member homeowners undergoing Permanent Change of Station (PCS) moves during the mortgage crisis. This authority is referred to as "Expanded HAP."

(b) Establishes policy, authority, and responsibilities for managing Expanded HAP and defines eligibility for financial assistance.

(c) In accordance with this part, the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L)) has overall responsibility and, through the Deputy Under Secretary of Defense for Installations and Environment (DUSD(I&E)), provides oversight for this program. The Army, acting as the DoD Executive Agent for administering the HAP, uses the Headquarters, U.S. Army Corps of Engineers (HQUSACE) to implement the program.

§ 239.2 Applicability and scope.

This part applies to the Office of the Secretary of Defense, the Military Departments (including the U.S. Coast Guard), the Chairman of the Joints Chiefs of Staff, the Combatant Commands, the Inspector General of the Department of Defense, the Defense Agencies, DoD Field Activities, and all other organizational entities within the Department of Defense (hereafter

referred to collectively as the "DoD Components"). This part for Expanded HAP is applicable until September 30, 2012, or as otherwise extended by law.

§ 239.3 Policy.

It is DoD policy, in implementing section 3374 of title 42, United States Code, as amended by section 1001 of the ARRA (Pub. L. 111–5), that those eligible (*see* section 239.6 of this part) to participate in the HAP and Expanded HAP are treated fairly and receive available benefit as quickly as practicable.

§ 239.4 Definitions.

(a) *Armed Forces.* The Army, Navy, Air Force, Marine Corps, and Coast Guard (see section 101(a) of title 10, U.S.C., as stipulated in section 1001(p) of Public Law 111–5).

(b) *Closing costs.* Sellers' closing costs typically include: loan payoff fees; the real estate commission; title insurance; all or part of transfer taxes and escrow fees, if there are any; attorney's fees where applicable; and other fees set by local custom. HAP pays sellers' closing costs that are customary for the region where the home is located. Applicant's realtor or lender can provide the applicant with the normal closing costs for his/her region. HAP will reimburse the seller for limited contributions made to the buyer's portion of closing costs, including appraisal cost and realtor fees.

(c) *Deficiency judgment.* Judicial recognition of personal liability under applicable state law against a Service member whose property was foreclosed on or who otherwise passed title to another person for a primary residence through a sale that realized less than the full outstanding mortgage balance.

(d) *Deployment.* Performing service in a training exercise or operation at a location or under circumstances that make it impossible or infeasible for the member to spend off-duty time in the housing in which the member resides when on garrison or installation duty at the member's permanent duty station, or home port, as the case may be.

(e) *Eligible mortgage.* A mortgage secured by the primary residence that was incurred to acquire or improve the primary residence. For a mortgage refinancing the original mortgage(s) or for a mortgage incurred subsequent to purchasing the property, funds from the refinanced or subsequent mortgages must be traced to the purchase of the primary residence or have been used to improve the primary residence. Home improvements that are documented (even if not financed through a subsequent mortgage or line of credit) may be added to the purchase price of the primary residence. Funds from a refinanced or subsequent mortgage that were used for other purposes are not eligible and may not be considered. Benefits will be calculated using the amount of $729,750 for primary residences with an eligible mortgage that exceeds $729,750. The total benefit payable (excluding allowable closing costs) shall not exceed $729,750. The ARRA expanded HAP calculates PFMV as the purchase price plus improvements. Improvements are identified in the Internal Revenue Publication #523 (*http://www.irs.gov/publications/p523/ar02.html*) which outlines items considered home improvements and distinguishes improvements from repairs and maintenance.

(f) *Forward deployment.* Performing service in an area where the Secretary of Defense or the Secretary's designee has determined that Service members are subject to hostile fire or imminent danger under section 310(a)(2) of title 37, U.S.C.

(g) *Primary residence.* The one- or two-family dwelling from which employees or members regularly commute (or commuted) to their primary place of duty. Under § 239.6(a) and (b) of this part, the relevant property for which compensation might be offered must have been the primary residence of the member or civilian employee at the time of the relevant wound, injury, or illness. The first field grade officer (or civilian equivalent) in the member or employee's chain of command may certify primary residence status.

(h) *Prior Fair Market Value (PFMV).* The PFMV is the purchase price of the primary residence. Benefits will be calculated using the amount of $729,750 as the PFMV for primary residences with a PFMV that exceeds $729,750.

(i) *Purchase.* Purchase occurs when the applicant enters into a contract for the purchase of the property. In the absence of a contract for purchase, the purchase occurs when the applicant closes on the property.

(j) *Reasonable effort to sell.* Applicant's primary residence must be listed, actively marketed, and available for purchase for a minimum of 120 days. With regard to marketing, applicant must demonstrate that the asking price was within the current market value of the home as determined by the HQUSACE automated value model (AVM) for no less than 30 days. It is the applicant's responsibility to explain marketing efforts by detailing how the asking price was gradually reduced until it reached the true current fair market value (*e.g.,* maintaining a log containing date and asking price recorded over period of time indicating number of visits by prospective buyers and offers to purchase). If an applicant is unable to sell the primary residence, the HQUSACE will determine whether efforts to sell were reasonable.

(k) *Permanent Change of Station (PCS).* The assignment or transfer of a member to a different permanent duty station (PDS), to include relocation to place of retirement, when retirement is mandatory, under a competent authorization/order that does not specify the duty as temporary, provide for further assignment to a new PDS, or direct the military service member return to the old PDS.

§ 239.5 Benefit elections.

Section 3374 of title 42, U.S.C., as amended by section 1001 of the ARRA, Public Law 111–5, authorizes the Secretary of Defense, under specified conditions, to acquire title to, hold, manage, and dispose of, or, in lieu thereof, to reimburse for certain losses upon private sale of, or foreclosure against, any property improved with a one- or two-family dwelling owned by designated individuals.

(a) *General benefits.* (1) If an applicant is unable to sell the primary residence after demonstrating reasonable efforts to sell (*see* Definitions, § 239.4(i) of this part), the Government may purchase the primary residence for the greater of:

(i) The applicable percentage (identified by applicant type in § 239.5(a)(4) of this part) of the Prior Fair Market Value (PFMV) of the primary residence, or

(ii) The total amount of the eligible mortgage(s) that remains outstanding; however, the benefit payable (excluding allowable closing costs) shall not exceed $729,750.

(2) If an applicant sells, has sold, or otherwise has transferred title of the primary residence, the benefit calculation shall be the amount of closing costs plus an amount not to exceed the difference between the applicable percentage of the PFMV and the sales price.

(3) If an applicant is foreclosed upon, the benefit will pay all legally enforceable liabilities directly associated with the foreclosed mortgage (*e.g.,* a deficiency judgment).

(4) *Applicable percentages.* (i) If an applicant is eligible under § 239.6(a)(1) or (2) of this part, and sells the primary residence, the applicable percentage shall be 95 percent of the PFMV. In addition, closing costs incurred on the sale may be reimbursed.

(ii) If an applicant is eligible under § 239.6(a)(1) or (2) of this part, and is

unable to sell the primary residence after demonstrating reasonable efforts to sell, the applicable percentage shall be 90 percent of the PFMV. Closing costs incurred on the sale may be reimbursed.

(iii) If an applicant is eligible under § 239.6(a)(3) or (4) of this part and sells the primary residence, the applicable percentage shall be 90 percent of the PFMV. In addition, closing costs incurred on the sale may be reimbursed.

(iv) If an applicant is eligible under § 239.6(a)(3) or (4) of this part and is unable to sell the primary residence after demonstrating reasonable efforts to sell, the applicable percentage shall be 75 percent of the PFMV. As noted under paragraph (a)(1) of this section, however, the applicant may instead be eligible for payment of the eligible mortgage outstanding.

(b) *Rules applicable to all benefit calculations.* (1) Prior to making any payment, the Government must determine that title to the property has been transferred or will be transferred as the result of making such payment. If the Government determines that making a benefit payment will not result in the transfer of title to the property, no payment will be made.

(2) A short sale will be treated as a private sale. If an applicant remains personally liable for a deficiency between the outstanding mortgage and the sale price, the amount of this deficiency may be included in the benefit, provided that the total amount of the benefit does not exceed the difference between 90 percent of the PFMV and the sales price.

(c) *Payment of benefits.* (1) *Private sale:* Where a benefit payment exceeds funds required to clear the mortgage and pay closing costs, the amount exceeding the mortgage and closing costs will be paid directly to the applicant. In the case of a short sale, if an applicant remains personally liable for a deficiency between the outstanding mortgage and the sale price, that deficiency shall be paid directly to the lender on behalf of the applicant. If the applicant was fully released from liability after a short sale, no benefit shall be paid to either the applicant or lender.

(2) *Government purchase:* Benefit is paid directly to the lender in exchange for government possession of the property. Since the benefit reimburses the applicant a percentage of the applicant's purchase price, if the benefit exceeds the mortgage payoff amount, the applicant will receive a benefit payment for the difference between the mortgage payoff and the total benefit payment. If the applicant has a buyer for the home, the payment of real estate commissions when an applicant's mortgage exceeds the property's current fair market value (i.e., upside down) will be accomplished as follows:

(i) Commission will be at the normal and customary rate for the area (normally six percent) on the price agreed upon by the applicant and the buyer and to whom the Government will then sell the home. While the commission payment is the responsibility of the applicant, the Government will make the commission payment for the applicant when the home is sold by the Government to the applicant's buyer contingent upon both the Government acquisition and Government sale contract transactions being completed and recorded. Commissions will be paid to the broker listing the property. The allocation of dollars to real estate agents will be the responsibility of the listing broker.

(ii) After Government acquisition, the Government will then sell the property to the buyer found by the applicant.

(iii) No other payment of fees or commissions will be made without the prior approval of HQUSACE.

(3) *Foreclosure:* In the case of a foreclosure, benefit is paid to lien holder for legally enforceable liabilities.

(d) *Tax Implications.* 26 U.S.C. 132(n) exempts Expanded HAP benefits from Federal taxes and is not subject to withholding.

§ 239.6 Eligibility.

(a) *Eligibility by Category.* Those eligible for benefits under the Expanded HAP include the following categories of persons:

(1) *Wounded, Injured, or Ill.* (i) Members of the Armed Forces:

(A) Who receive a disability rating of 30% or more for an unfitting condition (using the Department of Veterans Affairs Schedule for Ratings Disabilities), or who are eligible for Service member's Group Life Insurance Traumatic Injury Protection Program, or whose treating physician (in a grade of at least captain in the Navy or Coast Guard or colonel in Army, Marine Corps, or Air Force) certifies that the member is likely, by a preponderance of the evidence, to receive a disability rating of 30 percent or more for an unfitting condition (using the Department of Veterans Affairs Schedule for Ratings Disabilities) for wounds, injuries, or illness incurred in the line of duty while deployed, on or after September 11, 2001, and

(B) Who are reassigned in furtherance of medical treatment or rehabilitation, or due to retirement in connection with such disability, and

(C) Who need to market the primary residence for sale due to the wound, injury, or illness. (For example, the need to be closer to a hospital or a family member caregiver or the need to find work more accommodating to the disability.)

(ii) Civilian employees of DoD or the United States Coast Guard (excluding temporary employees or contractors, but including employees of non-appropriated fund instrumentalities):

(A) Who suffer a wound, injury, or illness (not due to own misconduct), on or after September 11, 2001, in the performance of duties while forward deployed in support of the Armed Forces, whose treating physician provides written documentation that the individual, by a preponderance of the evidence, meets the criteria for a disability rating of 30 percent or more. As described in paragraph (a)(1) of this section, this documentation will be certified by a physician in the grade of at least captain in the Navy or Coast Guard or colonel in Army, Marine Corps, or Air Force.

(B) Who relocate from their primary residence in furtherance of medical treatment, rehabilitation, or due to medical retirement resulting from the wound, injury, or illness, and

(C) Who need to market the primary residence for sale due to the wound, injury, or illness. (For example, the need to be closer to a hospital or a family member caregiver or the need to find work more accommodating to the disability.)

(2) *Surviving spouse.* The surviving spouse of a Service member or of a civilian employee:

(i) Whose spouse dies as the result of a wound, injury, or illness incurred in the line of duty while deployed (or forward deployed for civilian employees) on or after September 11, 2001, and

(ii) Who relocates from the member's or civilian employee's primary residence within two years of the death of spouse.

(3) *BRAC 2005 members and civilian employees.* Members of the Armed Forces and civilian employees of the Department of Defense and the United States Coast Guard (not including temporary employees or contractors) and employees of non-appropriated fund instrumentalities meeting the assignment requirements of § 239.6(b)(4)(i)(A) of this part and who have not previously received HAP benefit payments:

(i) Whose position is eliminated or transferred because of the realignment or closure; and

(ii) Who accepts employment or is required to relocate because of a transfer beyond the normal commuting distance from the primary residence (50 miles). The new residence must be within 50 miles of the new duty station.

(4) *Permanently reassigned members of the Armed Forces.* Members who have not previously received HAP benefit payments and who are reassigned under permanent PCS orders:

(i) Dated between February 1, 2006, and September 30, 2012 (subject to availability of funds),

(ii) To a new duty station or home port outside a 50-mile radius of the member's former duty station or home port.

(b) *Eligibility based on economic impact, timing, price, orders, and submission of application.* (1) *Minimum economic impact.* (i) BRAC 2005 Members and Civilian Employees as well as permanently reassigned members of the Armed Forces whose primary residence have suffered at least a 10 percent personal home value loss from the date of purchase to date of sale. Market value of the home will be verified by the USACE.

(ii) Applicants qualifying as Wounded, Injured, or Ill or as surviving spouse do not need to show minimum economic impact.

(2) *Timing of purchase and sale.* (i) BRAC 2005 Members and Civilian Employees must have been the owner-occupant of their primary residence before May 13, 2005, the date of the BRAC 2005 announcement or have vacated the owned residence as a result of being ordered into on-post housing after November 13, 2004. An owner-occupant is someone who has both purchased and resides in the residence.

(ii) Permanently reassigned members of the Armed Forces must have purchased their primary residence before July 1, 2006.

(iii) Wounded, injured, or ill members and employees and Surviving Spouses are eligible for compensation without respect to the date of purchase.

(iv) BRAC 2005 Members and Civilian employees and permanently reassigned members must have sold their primary residence between July 1, 2006 and September 30, 2012.

(3) *Maximum home prior fair market value and eligible mortgage.* When calculating benefits, both the PFMV and the eligible mortgage will be capped at $729,750.

(4) *Date of assignment; report date; basis for relocation.* (i) *Date of assignment, report date.* (A) BRAC 2005 Members and Civilian Employees must have been assigned to an installation or unit identified for closure or realignment under the 2005 round of the Base Realignment and Closure Act of 1990 on May 13, 2005; transferred from such an installation or unit, or employment terminated as a result of a reduction in force, after November 13, 2004; or transferred from such an installation or activity on an overseas tour after May 13, 2002. BRAC 2005 Members transferred from such an installation or activity after May 13, 2005, are also eligible if, in connection with that transfer the member was informed of a future, programmed reassignment to the installation.

(B) For initial implementation, permanently reassigned members of the Armed Forces must have received qualifying orders to relocate dated between February 1, 2006, and September 30, 2010. These dates may be extended to September 30, 2012, at the discretion of the DUSD(I&E) based on availability of funds.

(ii) *Basis for relocation:* Permanently reassigned members of the Armed Forces who are reassigned or who otherwise relocate for the following reasons are not eligible for Expanded HAP benefits:

(A) Members who voluntarily retire prior to reaching their mandatory retirement date.

(B) Members who are a new accession into the Armed Forces or who are otherwise entering active duty.

(C) Members who are voluntarily separated or discharged.

(D) Members whose separation or discharge is characterized as less than honorable.

(E) Members who request and receive voluntary release from active duty (REFRAD).

(F) Members who are REFRAD for misconduct or poor performance.

(c) *Applications will be processed according to eligibility category in the following order:* (1) *Wounded, injured, and ill.* Within this category, applications will generally be processed in chronological order of the wound, injury, or illness.

(2) *Surviving spouses.* Within this category, applications will generally be processed in chronological order of the date of death of the member or employee.

(3) *BRAC 2005 members and civilian employees.* Within this category, applications will generally be processed in chronological order of the date of job elimination.

(4) *Permanently reassigned members of the Armed Forces.* Within this category, applications will generally be processed beginning with the earliest report-not-later-than date of PCS orders.

§ 239.7 Responsibilities.

(a) The DUSD(I&E), under the authority, direction, and control of the USD(AT&L), shall, in relation to the Expanded HAP:

(1) Prescribe and monitor administrative and operational policies and procedures.

(2) Determine applicable personnel benefits and policies, in coordination with the Under Secretary of Defense (Comptroller) and the Under Secretary of Defense for Personnel and Readiness.

(3) Serve as senior appeals authority for appeals submitted by applicants.

(b) The Under Secretary of Defense (Comptroller) shall, in relation to the Expanded HAP:

(1) Implement policies and prescribe procedures for financial operations.

(2) Review and approve financial plans and budgets.

(3) Issue financing and obligation authorities.

(4) Administer the DoD Homeowners Assistance Fund.

(c) The Deputy Assistant Secretary of the Army for Installations and Housing (DASA(I&H)), subject to review by the DUSD(I&E), as the DoD Executive Agent for administering, managing, and executing the HAP, shall:

(1) Establish detailed policies and procedures for execution of the program.

(2) Maintain necessary records, prepare reports, and conduct audits.

(3) Publish regulations and forms.

(4) Disseminate information on the program.

(5) Forward copies of completed responses to congressional inquiries and appeals to the DUSD(I&E) for information.

(6) Serve as the initial approval authority for HAP appeals. The DASA(I&H) may approve appeals and shall forward recommendations for Expanded HAP denial to the DUSD(I&E) for decision.

(d) The Heads of the DoD Components and the Commandant of the Coast Guard, by agreement of the Secretary of Homeland Security, shall:

(1) Designate at least one representative at the headquarters level to work with DASA(I&H) and HQUSACE HAP offices.

(2) Require each installation to establish a liaison with the nearest HAP field office to obtain guidance or assistance on the HAP.

(3) Supply the HQUSACE HAP office a copy of any internal regulation, instruction, or guidance published relative to the Expanded HAP program.

(4) Disseminate information on the Expanded HAP and, upon request, supply HAP field offices with data pertaining to the Expanded HAP.

(e) HQUSACE. (1) *Real Estate Community of Practice (CEMP–CR).* The Director of Real Estate, acting for the Chief of Engineers, has been delegated authority and responsibility for the execution of HAP. CEMP–CR, as the central office for HAP, is responsible for the following:

(i) Supervision, interagency coordination, development of procedures, policy guidance, and processing of appeals forwarded from the districts and HQUSACE Major Subordinate Commands (MSC).

(ii) Maintaining an Expanded HAP central office and Expanded HAP field offices.

(iii) Processing appeals from the MSC where applicant agreement cannot be reached. Such appeals will be forwarded, in turn, to DASA(I&H) for consideration.

(2) *Districts.* Districts designated by the Director of Real Estate, and their Chiefs of Real Estate, have been delegated the authority to administer, manage, and execute the HAP on behalf of all applicants. Districts (as identified in § 239.9 of this part) are responsible for the following:

(i) Accepting applications (DD Form 1607) for HAP and Expanded HAP benefits.

(ii) Determining the eligibility of each applicant for Expanded HAP assistance using the criterion established by the DUSD(I&E).

(iii) Determining and advising each applicant on the most appropriate type of assistance.

(iv) Determining amounts to be paid, consistent with DoD policy, and making payments or authorizing and arranging for acquisition or transfer of the applicant's property.

(v) Maintaining, managing, and disposing of acquired properties or contracting for such services with private contractors.

(vi) Processing all appeals, except where applicant agreement cannot be reached. Such appeal cases will be forwarded, in turn, to the MSC, CEMP–CR, and DASA(I&H) for consideration.

(3) *HQUSACE Major Subordinate Commands (MSC).* MSCs have been delegated the authority to perform oversight and review of district program management and based upon that review, or in response to specific requests, to provide local policy guidance to the districts and recommend program changes or forward appeals to CEMP–CR for consideration.

§ 239.8 Funding.

(a) *Revolving fund account.* The revolving fund account contains money appropriated in accordance with the ARRA, and receipts from the management, rental, or sale of the properties acquired.

(b) *Appropriation, receipts, and allocation.* Funds required for administration of the program will be made available by DoD to the HQUSACE. Funds provided will be used for purchase or reimbursement as provided herein and to defray expenses connected with the acquisition, management, and disposal of acquired properties, including payment of mortgages or other indebtedness, as well as the cost of staff services, contract services, Title Insurance, and other indemnities.

(c) *Obligation of funds.* For government acquisition of homes under the authority of this Rule, funds will be committed prior to the Government's offer to purchase is conveyed to the applicant. The obligation will occur upon timely receipt of the accepted offer returned by the applicant.

§ 239.9 Application processing procedures.

(a) *Acceptance of applications.* The district will accept applications (DD Form 1607) for HAP and Expanded HAP benefits submitted through the U.S. Mail or other delivery system direct to the appropriate district office. *See* § 239.15 of this part for a list of District field offices.

(b) *Application Form (DD Form 1607).* Should the DD form 1607 not provide all the information required to process Expanded HAP applications, Districts must provide applicants appropriate supplemental instructions.

(c) *Assignment of application numbers.* (1) *Assignment of application numbers.* When a District receives an application, it will assign the application number and develop and maintain an individual file for each property. Applications for programs located in another District will not be assigned a number, but will be forwarded immediately to the District having jurisdiction. An application number, once assigned, will not be reassigned regardless of the disposition of the original application. Reactivation or reopening of a withdrawn application does not require a new application or application number.

(2) *Method of assignment.* An application will be numbered in the following manner:

(i) *Agency code.* Code to indicate the Federal agency accountable for installation being closed or applicant support:

(A) 1—Army

(B) 2—Air Force

(C) 3—Navy

(D) 4—Marine Corps

(E) 5—Defense Agencies

(F) 6—Non-Defense Agencies

(G) 7—U.S. Coast Guard

(ii) *District code.*

(A) Sacramento: L2

(B) Savannah: K6

(C) Fort Worth: M2

(iii) *Applicant category code* (military/civilian/wounded/surviving spouse/PCS):

(A) 1 = Civilian (BRAC)

(B) 2 = Military (BRAC)

(C) 3 = Non-appropriated Fund Instrumentalities

(D) 4 = Military Wounded

(E) 5 = Civilian Wounded

(F) 6 = Surviving Spouse (military deceased)

(G) 7 = Surviving Spouse (civilian employee deceased)

(H) 8 = Military PCS

(iv) *State:* State abbreviation.

(v) *Installation number:* The five digit ZIP Code of the applicant's present (former, if they have already moved) installation, offices, or unit address. Examples are:

(A) For a BRAC 05 applicant moving from the closing Saint Louis, Missouri, DFAS office to Minneapolis, Minnesota, use the ZIP Code of the city from which he or she is moving, e.g., 63101, for St. Louis, Missouri.

(B) For wounded warrior or surviving spouse who moved from primary residence, use present installation or home town.

(C) For Service members who are eligible based on PCS criteria, use ZIP Code of installation from which they depart.

(vi) *Application Number:* Sequential beginning with 0001.

Example 1:

2 K6 2 NH0 3 8 0 30 0 0 1

Air Force-SAS Dist.-Mil BRAC-NH-Pease AFB-Applicant #

Example 2:

1–K 6– 4– NY–1 3 6 0 2–0 0 0 2

Army-SAS Dist-Mil Wounded-NY-Ft Drum-Applicant #

(d) *Real Estate Values.* (1) Because the PFMV is the purchase price for Expanded HAP, no appraisal of the property is required. Supporting documentation to establish purchase price must be furnished by the applicant. Generally, Form HUD–1 will suffice.

(2) Districts are responsible for ensuring primary residence values are appropriate and applicants receive deserved benefit payments. Districts will use the CoreLogic AVM to determine the valuation of individual primary residences.

§ 239.10 Management controls.

(a) *Management systems.* Headquarters, USACE has an existing information management system that manages all information related to the HAP program.

(1) *HAPMIS.* The Homeowners Assistance Program Management Information System (HAPMIS) provides program management assistance to field offices and indicators to managers at field offices, regional headquarters and HQUSACE at the Service Member level of detail. The Privacy Act applies to this program and the management information system to protect the privacy of Expanded HAP applicant information.

(2) *CEFMS.* The Corps of Engineers Financial Management System (CEFMS) provides detailed funds execution and tracking, to include:

(i) Funds issued to field offices for execution accountability.

(ii) Funds committed and obligated by applicant category, installation, state and county.

(b) *System of Records Notice (SORN).* The Privacy Act limits agencies to maintaining "only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required to be accomplished by statute or Executive order of the President." 5 U.S.C. 552a(e)(1). The SORN for the Homeowners Assistance Program can be found at *http://www.defenselink.mil/privacy/notices/army/A0405-10q_CE.shtml.* The Privacy Impact Assessment for the system can be reviewed at: *http://www.army.mil/ciog6/privacy.html.* Individuals seeking to determine whether information about them is contained in this system should address written inquiries to the Chief of Engineers, Headquarters U.S. Army Corps of Engineers, *Attn:* CERE–R, 441 G Street, NW., Washington, DC 20314–1000.

§ 239.11 Appeals.

Applicant appeals will be processed at the district level and forwarded through HQUSACE for review. The HQUSACE may approve an appeal but must forward any recommendation for denial to the DASA(I&H) for review and consideration. DASA(I&H) may approve an appeal but must forward recommendations for denial to the DUSD(I&E) for decision. The DUSD(I&E) is the senior appeals authority for appeals submitted by applicants.

§ 239.12 Tax documentation.

For disbursed funds, tax documents (if necessary) will be certified by HQUSACE Finance Center and distributed to applicants and the Internal Revenue Service (IRS) annually.

§ 239.13 Program performance reviews.

HQUSACE will prepare monthly program performance reviews using the HAPMIS; HQUSACE Annual Management Command Plan and Management Control Checklist. In addition, program monitoring will also be conducted (through HAPMIS and CEFMS reports) at the Headquarters Department of the Army and at the DUSD(I&E) levels.

§ 239.14 On-site inspections.

The HQUSACE and its major subordinate commands may conduct periodic on-site inspections of district offices and monitor program execution through HAPMIS and CEFMS reports.

§ 239.15 List of HAP field offices.

Field office	For installations located in:
U.S. Army Engineer District, Sacramento, CESPK, 1325 J Street, Sacramento, CA 95814–2922, (916) 557–6850 OR, 1–800–811–5532, *Internet Address: http://www.spk.usace.army.mil.*	Alaska, Arizona, California, Nevada, Utah, Idaho, Oregon, Washington, Montana, Pacific Ocean Rim, and Hawaii.
U.S. Army Engineer District, Savannah, CESAS, *Attn:* RE–AH, P.O. Box 889, Savannah, GA 31402–0889, 1–800-861–8144, *Internet Address: http://www.sas.usace.army.mil.*	Alabama, Georgia, North Carolina, South Carolina, Florida, Ohio, Illinois, Indiana, Maryland, Delaware, Michigan, Kentucky, District of Columbia, Virginia, Pennsylvania, Tennessee, New Hampshire, Rhode Island, New York, Vermont, Mississippi, Massachusetts, Connecticut, Maine, New Jersey, West Virginia and Europe.
U.S. Army Engineer District, Fort Worth, CESWF, P.O. Box 17300, Fort Worth, TX 76102–0300, (817) 886–1112, 1–888–231–7751, *Internet Address: http://www.swf.usace.army.mil.*	Arkansas, Louisiana, Oklahoma, Texas, New Mexico, Colorado, Iowa, Nebraska, Michigan, Minnesota, North and South Dakota, Wisconsin, Wyoming, Kansas, and Missouri.

HAP CENTRAL OFFICE, Homeowners Assistance Program, HQ U.S. Army Corps of Engineers Real Estate Directorate, Military Division, 441 G Street, NW., Washington, DC 20314–1000.

Dated: November 10, 2010.

Morgan F. Park,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2010–28756 Filed 11–15–10; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2010–1006]

Drawbridge Operation Regulation; Neuse River, New Bern, NC

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Fifth Coast Guard District, has issued a temporary deviation from the regulations governing the operation of the Neuse River Railroad Bridge across Neuse River, mile 34.2, at New Bern, NC. This closure is necessary to facilitate mechanical repairs.

DATES: This deviation is effective from 8 a.m. on November 16, 2010 through 8 a.m. on November 18, 2010.

ADDRESSES: Documents mentioned in this preamble as being available in the docket are part of docket USCG–2010–1006 and are available online by going to *http://www.regulations.gov,* inserting USCG–2010–1006 in the "Keyword" box and then clicking "Search." They are also available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or e-mail Waverly W. Gregory, Jr., Bridge Administrator, Fifth Coast Guard District; telephone 757–398–6222, e-

mail *Waverly.W.Gregory@uscg.mil.* If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: The Norfolk Southern Railway (NSR) owns and operates the swing span of the Neuse River Railroad Bridge across Neuse River in New Bern NC. The bridge has zero vertical clearance in the closed position to vessels, above mean high water. The current operating regulations are outlined at 33 CFR 117.5, which requires the bridge to open promptly and fully for the passage of vessels when a request to open is given.

NSR has requested a temporary deviation to the existing regulations for the Neuse River Railroad Bridge to facilitate mechanical repairs. The repairs consist of removing, refurbishing, and replacing of drive shaft bearings, wedge blocks, rail levers, and turnbuckles.

Under this deviation, the swing span of the drawbridge will be maintained in the closed-to-navigation position from 8 a.m. on November 16, 2010, through 8 a.m. on November 18, 2010.

According to information furnished by NSR, the swing span normally remains open to vessels, closing to permit rail traffic usually four times in a 24-hour period and these closures generally occur between 11 p.m. and 10 a.m. In 2009, between 10 a.m. and 11 p.m., vessel traffic passing at the swing span typically consisted of four yachts.

The Coast Guard will inform the users of the waterway through our Local and Broadcast Notices to Mariners of the closure period so that vessels can arrange their transits to minimize any impact caused by the temporary deviation.

There are no alternate routes for vessels transiting this section of the Neuse River and the drawbridge will be unable to open in the event of an emergency.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the designated time period. This deviation from the operating regulation is authorized under 33 CFR 117.35.

Dated: November 2, 2010.

Waverly W. Gregory, Jr.

Chief, Bridge Administration Branch, Fifth Coast Guard District.

[FR Doc. 2010–28736 Filed 11–15–10; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2010–0879]

Drawbridge Operation Regulations; Atlantic Intracoastal Waterway (AIWW), Elizabeth River, Southern Branch, VA

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations; request for comments.

SUMMARY: The Commander, Fifth Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the Gilmerton (US13/460) Bridge across the Elizabeth River (Southern Branch), AIWW mile 5.8, at Chesapeake, VA. This deviation will test a change to the drawbridge operation schedule to determine whether a schedule change is needed. This deviation will allow the bridge to remain in the closed position for certain vessels for longer morning and evening rush hour periods during the weekdays and will implement scheduled bridge openings between the rush hours and on the weekends.

DATES: This deviation is effective from 6:30 a.m. on December 20, 2010 through 6:30 p.m. on June 18, 2011.

Comments and related material must be received by the Coast Guard on or before April 18, 2011.

ADDRESSES: You may submit comments identified by docket number USCG–2010–0879 using any one of the following methods:

(1) *Federal Rulemaking Portal: http://www.regulations.gov.*

(2) *Fax:* 202–493–2251.

(3) *Mail:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001.

(4) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

To avoid duplication, please use only one of these methods. *See* the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or e-mail Bill H. Brazier, Bridge Management Specialist, Fifth Coast Guard District; telephone 757–398–6422, e-mail *Bill.H.Brazier@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted, without change, to *http://www.regulations.gov* and will include any personal information you have provided.

Submitting Comments

If you submit a comment, please include the docket number for this rulemaking (USCG–2010–0879), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online (*http://www.regulations.gov*), or by fax, mail or hand delivery, but please use only one of these means. If you submit a comment online via *http://www.regulations.gov,* it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand delivery, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an e-mail address, or a phone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* click on the "submit a comment" box, which will then become highlighted in blue. In the "Keyword" box insert "USCG–2010–0879," click "Search," and then click on the balloon shape in the "Actions" column. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* click on the "read comments" box, which will then become highlighted in blue. In the "Keyword" box insert "USCG–2010–0879" and click "Search." Click the "Open Docket Folder" in the "Actions" column. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. We have an agreement with the Department of Transportation to use the Docket Management Facility.

Privacy Act

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one using one of the four methods specified under **ADDRESSES**. Please explain why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Basis and Purpose

The City of Chesapeake, Virginia (the City), who owns and operates the lift-type Gilmerton (US13/460) Bridge, has requested a temporary deviation to the existing bridge regulations. The normal operating schedule requires the Gilmerton (US13/460) Bridge, at AIWW mile 5.8 in Chesapeake, with a vertical clearance of seven feet above mean high tide in the closed position, to open on signal at anytime for commercial vessels carrying liquefied flammable gas or other hazardous materials. From 6:30 a.m. to 8:30 a.m. and from 3:30 p.m. to 5:30 p.m. Monday through Friday, except Federal holidays, the draw need not open for the passage of recreational or commercial vessels; except the draw shall open any time for commercial cargo vessels, including tugs, and tugs with tows, if two hours advance notice is given to the Gilmerton Bridge at (757) 545–1512. In addition, the draw shall open on signal at all other times as required by 33 CFR 117.995(c). The current operating schedule has been in effect since November 17, 2003.

The Gilmerton Bridge Replacement project, which has been underway since November 2009, will provide a new vertical-lift type bridge over the Southern Branch of the Elizabeth River to replace the existing bridge that was constructed in 1938.

Due to the construction for the new Gilmerton (US13/460) Bridge, traffic is limited to one lane in each direction for the next three years. This test deviation will allow the City to monitor, measure, and identify congested roadway locations during heavy traffic periods. By expanding the morning and evening rush hour periods on the weekdays and implementing scheduled bridge openings between the rush hour periods and on the weekends, we anticipate a decrease in vehicular traffic congestion during the daytime hours.

During this test deviation, the City will gather data from the scheduled openings, along with vessel counts, to compare, evaluate, and monitor both old and new traffic patterns in hope of reducing roadway congestion on the bridge and local commuting area by adjusting bridge openings to ensure any future regulation will not have a significant impact on navigation. Vessel traffic on this waterway consists of pleasure craft, tug and barge traffic, and ships with assist tugs. There are no alternate routes for vessels transiting this section of the Atlantic Intracoastal Waterway and the drawbridge will be able to open in the event of an emergency.

According to records furnished by the City, there were a total of 6,195 bridge openings and 12,498 vessel passages occurring at the drawbridge between September 2009 and September 2010. (*See* Table A)

TABLE A

2009	2009	2009	2009	2010	2010	2010	2010	2010	2010	2010	2010	2010
SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
BRIDGE OPENINGS FOR SEPTEMBER 2009–SEPTEMBER 2010												
551	621	549	503	299	284	317	476	639	616	459	365	516
BOAT PASSAGES FOR SEPTEMBER 2009–SEPTEMBER 2010												
892	1,858	1,361	645	406	392	478	967	1,770	1,408	791	628	902

Under normal conditions, the Gilmerton (US13/460) Bridge is a vital transportation route for over 35,000 motorists per day. According to recent vehicular traffic counts submitted by the City, the average daily traffic volume decreased at the Gilmerton (US13/460) Bridge to approximately 20,000 cars a day. Due to construction, the I–64 High Rise Bridge is the suggested alternate route for motorists. Even with the alternative vehicular route, the Coast Guard anticipates a continued increase in vehicular traffic congestion over the Gilmerton (US13/460) Bridge due to the previously referenced vehicular traffic limitations.

A Notice of Proposed Rulemaking, USCG–2010–0879, is being issued in conjunction with this Temporary Deviation to obtain additional public comments. The proposed rule will be in effect for three years until December 20, 2013.

The Coast Guard will evaluate public comments from this Test Deviation and the above-referenced Notice of Proposed Rulemaking to determine if a temporary change to the drawbridge operating regulation at 33 CFR 117.997(c) is warranted.

From 6:30 a.m. on December 20, 2010 through 6:30 p.m. on June 18, 2011, the draw of the Gilmerton (US13/460) Bridge, at AIWW mile 5.8, shall open on signal at any time for commercial vessels carrying liquefied flammable gas or other hazardous materials. From 6:30 a.m. to 9:30 a.m. and from 3:30 p.m. to 6:30 p.m., Monday through Friday, except Federal holidays, the draw need not open for the passage of recreational

or commercial vessels; except the draw shall open anytime for commercial cargo vessels, including tugs, and tugs with tows, if two hours advance notice is given to the Gilmerton Bridge at (757) 545–1512.

From 9:30 a.m. to 3:30 p.m. Monday through Friday and from 6:30 a.m. to 6:30 p.m. Saturdays, Sundays and Federal holidays, the draw shall open on signal hourly on the half hour; except the draw shall open anytime for commercial cargo vessels, including tugs, and tugs with tows, if two hours advance notice is given to the Gilmerton Bridge at (757) 545–1512. At all other times, the draw shall open on signal.

We anticipate a decrease in vehicular traffic congestion at the bridge, with no impact to vessels passing under the bridge in the closed position; however we foresee slight delays to vessels while transitioning to the new test opening schedule.

This test deviation has been coordinated with the main commercial waterway user group, specifically, the Virginia Maritime Association who represents waterborne commerce in the Port of Hampton and there is no expectation of any significant impacts on navigation. Vessels with a mast height of less than seven feet can pass underneath the bridge in the closed position. There are no alternate waterway routes.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the designated time period. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: November 2, 2010.

Patrick B. Trapp,

Captain, U.S. Coast Guard, Acting Commander, Fifth Coast Guard District.

[FR Doc. 2010–28737 Filed 11–15–10; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 17

RIN 2900–AN45

Responding to Disruptive Patients

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This final rule amends the Department of Veterans Affairs (VA) regulation that authorizes appropriate action when a patient engages in disruptive behavior at a VA medical facility. This amendment updates VA's current regulation to reflect modern medical care and ethical practices. The final rule authorizes VA to modify the time, place, and/or manner in which VA provides treatment to a patient, in order to ensure the safety of others at VA medical facilities, and to prevent any interference with the provision of medical care.

DATES: This final rule is effective December 16, 2010.

FOR FURTHER INFORMATION CONTACT: Roscoe Butler, Acting Director, Business Policy, Chief Business Office (163), Veterans Health Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 461–1586. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: Under 38 U.S.C. chapters 17 and 18, VA has authority to provide medical care to certain veterans and non-veterans. VA is required, per 38 U.S.C. 1721, to prescribe rules and regulations to promote good conduct on the part of VA patients. VA has implemented this authority in 38 CFR part 17.

Regarding the rights of patients receiving VA care, 38 CFR 17.33(a) prescribes, in part, that patients have "a right to be treated with dignity in a humane environment that affords them both reasonable protection from harm and appropriate privacy with regard to their personal needs." Patients also have "a right to receive, to the extent of eligibility therefor under the law, prompt and appropriate treatment for any physical or emotional disability." Section 17.33(b) also prescribes rights with respect to visitations and communications, clothing, personal possessions, money, social interaction, exercise, and worship for VA residents and inpatients. These rights may be restricted by the appropriate health care professional in certain circumstances. *See* 38 CFR 17.33(c). The restrictions authorized by § 17.33(c), however, do not apply to outpatients and only cover restrictions on the listed rights. In certain cases, VA must restrict the provision of medical care to a patient in order to prevent harm to other patients and VA staff and disruptions in VA's provision of medical care due to the patient's behavior.

VA regulations also prescribe rules of conduct for patients and other individuals who have access to VA facilities. *See* 38 CFR 1.218. In particular, § 1.218(a)(5) prohibits persons on VA property from causing a wide variety of disturbances, including creating "loud or unusual noise," obstructing public areas, and impeding or disrupting "the performance of official duties by Government employees." The sole enforcement mechanism provided by paragraph (a)(5) is "arrest and removal from the premises." 38 CFR 1.218(a)(5). VA has determined that arrest is generally not an appropriate remedy in a situation where the Department must balance the rights and needs of a disruptive patient against the need to protect other patients, guests, and staff. Some patients establish a pattern of disruptive behavior when interacting with VA personnel or when they are on VA property, and we believe that by understanding these patterns of behavior, planning for such behavior in advance, and setting safe conditions for care delivery, we can intervene in ways that can prevent subsequent episodes requiring removal and arrest.

In addition to §§ 1.218 and 17.33, the behavior of patients is specifically governed by current 38 CFR 17.106. It requires, in part, that VA maintain the good conduct of patients through "corrective and disciplinary procedure." However, current § 17.106, which VA promulgated in 1973 and last amended over 10 years ago, does not adequately reflect modern practice or VA's policy regarding disruptive patients in the health care setting, which opposes the use of punishment in the management of disruptive patients. Instead, it reflects the view that patients exhibiting disruptive behavior must be punished. For example, current § 17.106 emphasizes disciplining patients who do not engage in "good conduct," and includes measures (such as withholding pass privileges) that do not differentiate between providing care and ensuring the safety of others. Moreover, the current rule could be viewed as interfering with VA's legal obligation to provide medical care to certain veterans and non-veterans. Accordingly, VA has determined that amendments to current regulations are necessary to implement its policy regarding disruptive patients, which emphasizes continuation of treatment.

On June 1, 2010, we proposed to amend § 17.106 to prescribe the remedial measures VA will take when a patient is disruptive and the procedures for implementing those measures. 75 FR 30,306. We stated that our intent was to minimize the risk of a particular patient jeopardizing the health or safety of others, or disrupting the safe provision of medical care to another patient, in a VA medical facility. We received three comments on the proposed rule. All of the commenters supported the proposed rule, and there were no adverse comments on the content of the proposed regulation text or on the rationales for the regulation text that we

had provided in the notice of proposed rulemaking.

The first commenter agreed that the proposed rule "indicate[s] a total care for other patients [sic] safety, as well as the disruptive patient's safety." The commenter agreed that the regulations, being "more extensive and unique to the acts of disruptive behavior," may lead to improvements for VA facilities. The commenter suggested that "speaking with a disruptive patient * * * could eliminate the issue from happening again to someone else." Although the regulation does not specifically require direct verbal communication with a disruptive patient, the regulation requires VA to provide the patient with notice of the content of any order responding to the patient's behavior, and clearly contemplates clinical involvement, including patient-specific communication. To the extent that the commenter offers a way for VA to improve generally the manner in which we respond to disruptive patients in order to eliminate future disruptions, we agree and note that we have established Disruptive Behavior Committees (DBCs) specifically for this purpose. These DBCs will review instances of disruptive behavior and make appropriate recommendations. Thus, we make no changes based on this comment.

Another commenter agreed that withholding visitation rights or any other restriction, as was authorized by the prior version of § 17.106, may be unethical. The final rule does not contemplate such punitive measures, and furthermore, paragraph (b)(2) of the final rule requires that any restrictions on the time, place, or manner of patient care must be "narrowly tailored." The commenter added that "any action taken against the patient should be handled clinically" by an appropriate medical professional. We agree, and note that the final rule requires that the VA medical facility Chief of Staff or his or her designee, which will in all cases be a clinical professional, authorize all actions taken in regards to a disruptive patient. As stated in the proposed rule, the new regulatory procedure will emphasize addressing the disruptive patient's needs in order to advance VA's focus on patient care. Thus, we make no changes based on this comment.

The third and final commenter, speaking for The Joint Commission, supported the regulation and did not offer any suggestions for improvement. The Joint Commission approved of the regulation because it is in accordance with their own criteria concerning the rights and responsibilities of patients and the environment in which care is provided. We appreciate the comment, and have not made any changes based on it.

For the foregoing reasons, VA amends 38 CFR 17.106 as proposed in the June 1, 2010, notice of proposed rulemaking published at 75 FR 30,306.

Effect of Rulemaking

Title 38 of the Code of Federal Regulations, as revised by this rulemaking, represents VA's implementation of its authority on this subject. Other than future amendments to this regulation or governing statutes, no contrary guidance or procedures on this subject are authorized. All VA guidance must be read to conform with this rulemaking if possible or, if not possible, such guidance is superseded by this rulemaking.

Unfunded Mandates

The Unfunded Mandates Reform Act requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before developing any rule that may result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any given year. This final rule will have no such effect on State, local, or tribal governments, or on the private sector.

Paperwork Reduction Act of 1995

This final rule contains no provisions constituting a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521).

Executive Order 12866

Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). The Executive Order classifies a "significant regulatory action," requiring review by OMB unless OMB waives such review, as any regulatory action that is likely to result in a rule that may: (1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

The economic, interagency, budgetary, legal, and policy implications of this final rule have been examined and it has been determined not to be a significant regulatory action under the Executive Order.

Regulatory Flexibility Act

The Secretary hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601- 612. This final rule will not cause a significant economic impact on health care providers, suppliers, or entities since only a small portion of the business of such entities concerns VA beneficiaries. Therefore, pursuant to 5 U.S.C. 605(b), this final rule is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance numbers and titles for the programs affected by this document are 64.007, Blind Rehabilitation Centers; 64.008, Veterans Domiciliary Care; 64.009, Veterans Medical Care Benefits; 64.010, Veterans Nursing Home Care; 64.011, Veterans Dental Care; 64.012, Veterans Prescription Service; 64.013, Veterans Prosthetic Appliances; 64.014, 64.015, Sharing Specialized Medical Resources; 64.019, Veterans Rehabilitation Alcohol and Drug Dependence; and 64.022, Veterans Home Based Primary Care.

Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. John R. Gingrich, Chief of Staff, approved this document on November 3, 2010 for publication.

List of Subjects in 38 CFR Part 17

Administrative practice and procedure, Alcohol abuse, Alcoholism, Day care, Dental health, Drug abuse, Health care, Health facilities, Health professions, Health records, Homeless, Medical and Dental schools, Medical devices, Medical research, Mental health programs, Nursing homes.

Dated: November 9, 2010.

Robert C. McFetridge,

Director of Regulation Policy and Management, Office of the General Counsel.

■ For the reasons stated in the preamble, the Department of Veterans Affairs amends 38 CFR part 17 as follows:

PART 17—MEDICAL

■ 1. Revise the authority citation for part 17 to read as follows:

Authority: 38 U.S.C. 501, and as noted in specific sections.

■ 2. Revise § 17.106 to read as follows:

§ 17.106 VA response to disruptive behavior of patients.

(a) *Definition.* For the purposes of this section:

VA medical facility means VA medical centers, outpatient clinics, and domiciliaries.

(b) *Response to disruptive patients.* The time, place, and/or manner of the provision of a patient's medical care may be restricted by written order of the Chief of Staff of the VA Medical Center of jurisdiction or his or her designee if:

(1) The Chief of Staff or designee determines pursuant to paragraph (c) of this section that the patient's behavior at a VA medical facility has jeopardized or could jeopardize the health or safety of other patients, VA staff, or guests at the facility, or otherwise interfere with the delivery of safe medical care to another patient at the facility;

(2) The order is narrowly tailored to address the patient's disruptive behavior and avoid undue interference with the patient's care;

(3) The order is signed by the Chief of Staff or designee, and a copy is entered into the patient's permanent medical record;

(4) The patient receives a copy of the order and written notice of the procedure for appealing the order to the Network Director of jurisdiction as soon as possible after issuance; and

(5) The order contains an effective date and any appropriate limits on the duration of or conditions for continuing the restrictions. The Chief of Staff or designee may order restrictions for a definite period or until the conditions for removing conditions specified in the order are satisfied. Unless otherwise stated, the restrictions imposed by an order will take effect upon issuance by the Chief of Staff or designee. Any order issued by the Chief of Staff or designee shall include a summary of the pertinent facts and the bases for the Chief of Staff's or designee's determination regarding the need for restrictions.

(c) *Evaluation of disruptive behavior.* In making determinations under paragraph (b) of this section, the Chief of Staff or designee must consider all pertinent facts, including any prior counseling of the patient regarding his or her disruptive behavior or any pattern of such behavior, and whether the disruptive behavior is a result of the patient's individual fears, preferences, or perceived needs. A patient's disruptive behavior must be assessed in connection with VA's duty to provide good quality care, including care designed to reduce or otherwise clinically address the patient's behavior.

(d) *Restrictions.* The restrictions on care imposed under this section may include but are not limited to:

(1) Specifying the hours in which nonemergent outpatient care will be provided;

(2) Arranging for medical and any other services to be provided in a particular patient care area (*e.g.,* private exam room near an exit);

(3) Arranging for medical and any other services to be provided at a specific site of care;

(4) Specifying the health care provider, and related personnel, who will be involved with the patient's care;

(5) Requiring police escort; or

(6) Authorizing VA providers to terminate an encounter immediately if certain behaviors occur.

(e) *Review of restrictions.* The patient may request the Network Director's review of any order issued under this section within 30 days of the effective date of the order by submitting a written request to the Chief of Staff. The Chief of Staff shall forward the order and the patient's request to the Network Director for a final decision. The Network Director shall issue a final decision on this matter within 30 days. VA will enforce the order while it is under review by the Network Director. The Chief of Staff will provide the patient who made the request written notice of the Network Director's final decision.

Note to § 17.106: Although VA may restrict the time, place, and/or manner of care under this section, VA will continue to offer the full range of needed medical care to which a patient is eligible under title 38 of the United States Code or Code of Federal Regulations. Patients have the right to accept or refuse treatments or procedures, and such refusal by a patient is not a basis for restricting the provision of care under this section.

(Authority: 38 U.S.C. 501, 901, 1721)

[FR Doc. 2010–28711 Filed 11–15–10; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Docket No. EPA–R02–OAR–2010–0872; FRL–9225–8]

Adequacy Status of the Submitted 2009 $PM_{2.5}$ Motor Vehicle Emission Budgets for Transportation Conformity Purposes for the New York Portions of New York-Northern New Jersey-Long Island, NY-NJ-CT $PM_{2.5}$ Nonattainment Area; New York

AGENCY: Environmental Protection Agency (EPA).

ACTION: Finding of adequacy.

SUMMARY: In this document, EPA is notifying the public that it has found the motor vehicle emissions budgets for $PM_{2.5}$ and NO_X in the submitted attainment demonstration state implementation plans for the New York portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT $PM_{2.5}$ nonattainment area to be adequate for transportation conformity purposes. The transportation conformity rule requires that the EPA conduct a public process and make an affirmative decision on the adequacy of budgets before they can be used by metropolitan planning organizations in conformity determinations. As a result of our finding, the New York Metropolitan Transportation Council (excluding Putnam County) and the Orange County Transportation Council must use the new 2009 $PM_{2.5}$ budgets for future transportation conformity determinations.

DATES: This finding is effective December 1, 2010.

FOR FURTHER INFORMATION CONTACT: Melanie Zeman, Air Programs Branch, Environmental Protection Agency—Region 2, 290 Broadway, 25th Floor, New York, New York 10007–1866, (212) 637–4022, *zeman.melanie@epa.gov.*

The finding and the response to comments will be available at EPA's conformity Web site: *http://www.epa.gov/otaq/stateresources/transconf/adequacy.htm.*

SUPPLEMENTARY INFORMATION:

Background

On October 27, 2009, the State of New York submitted an attainment demonstration state implementation plan to EPA for the New York portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT $PM_{2.5}$ nonattainment area. The purpose of New York State's submittal was to demonstrate the State's progress toward

attaining the 1997 $PM_{2.5}$ National Ambient Air Quality Standard (62 FR 38652, July 18, 1997). New York State's submittal included motor vehicle emissions budgets ("budgets") for 2009 for use by the State's metropolitan planning organizations in making transportation conformity determinations. On January 19, 2010, EPA posted the availability of the budgets on our Web site for the purpose of soliciting public comments. The comment period closed on February 18, 2010, and we received no comments.

Today's notice is simply an announcement of a finding that we have already made. EPA Region 2 sent a letter to New York State on October 15, 2010, stating that the 2009 motor vehicle emissions budgets in New York's SIP for the New York portion of the New York-Northern New Jersey-Long Island, NY–NJ–CT $PM_{2.5}$ nonattainment area are adequate because they are consistent with the required attainment demonstration.

Transportation conformity is required by section 176(c) of the Clean Air Act. EPA's conformity rule requires that transportation plans, programs, and projects conform to SIPs and establishes the criteria and procedures for determining whether or not they conform. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the National Ambient Air Quality Standards.

The criteria by which we determine whether a SIP's motor vehicle emission budgets are adequate for conformity purposes are outlined in 40 CFR 93.118(e)(4). Please note that an adequacy review is separate from EPA's completeness review, and it also should not be used to prejudge EPA's ultimate approval of the SIP. Even if we find a budget adequate, the SIP could later be disapproved.

We have described our process for determining the adequacy of submitted SIP budgets in 40 CFR 93.118(f). We have followed this rule in making our adequacy determination. The motor vehicle emissions budgets being found adequate today are listed in Table 1. EPA's finding will also be announced on EPA's conformity Web site: *http://www.epa.gov/otaq/stateresources/transconf/adequacy.htm.*

TABLE 1—2009 ATTAINMENT $PM_{2.5}$ MOTOR VEHICLE EMISSIONS BUDGETS FOR NEW YORK

[Tons per year]

Metropolitan Planning Organization	$PM_{2.5}$	NO_X
NYMTC (excluding Putnam County) and OCTC	1,750	77,571

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Particulate matter, Reporting and record keeping requirements.

Authority: 42 U.S.C. 7401–7671q.

Dated: October 29, 2010.

Judith A. Enck,

Regional Administrator, Region 2.

[FR Doc. 2010–28658 Filed 11–15–10; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2005–TX–0012; FRL–9226–2]

Approval and Promulgation of Implementation Plans; Texas; Emissions Banking and Trading of Allowances Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking a direct final action to approve portions of four revisions to the Texas State Implementation Plan (SIP) that create and amend the Emissions Banking and Trading of Allowances (EBTA) Program. The EBTA Program establishes a cap and trade program to reduce emissions of oxides of nitrogen (NO_X) and sulfur dioxide (SO_2) from participating electric generating facilities. The Texas Commission on Environmental Quality (TCEQ) originally submitted the EBTA program to EPA as a SIP revision on January 3, 2000. Since that time, the TCEQ has submitted SIP revisions for the EBTA Program on September 11, 2000; July 15, 2002; and October 24, 2006. EPA has determined that these changes to the Texas SIP comply with the Federal Clean Air Act (the Act or CAA) and EPA regulations, are consistent with EPA policies, and will improve air quality. This action is being taken under section 110 and parts C and D of the Act.

DATES: This direct final rule is effective on January 18, 2011 without further notice, unless EPA receives relevant adverse comment by December 16, 2010. If EPA receives such comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R06–OAR–2005–TX–0012, by one of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *E-mail:* Mr. Jeff Robinson at *robinson.jeffrey@epa.gov.* Please also cc the person listed in the **FOR FURTHER INFORMATION CONTACT** paragraph below.
- U.S. EPA Region 6 "Contact Us" Web site: *http://epa.gov/region6/r6coment.htm.* Please click on "6PD" (Multimedia) and select "Air" before submitting comments.
- *Fax:* Mr. Jeff Robinson, Chief, Air Permits Section (6PD–R), at fax number 214–665–6762.
- *Mail:* Mr. Jeff Robinson, Chief, Air Permits Section (6PD–R), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733.
- *Hand or Courier Delivery:* Mr. Jeff Robinson, Chief, Air Permits Section (6PD–R), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733. Such deliveries are accepted only between the hours of 8:30 a.m. and 4:30 p.m. weekdays except for legal holidays. Special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R06–OAR–2005–TX–0012. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information the disclosure of which is restricted by statute. Do not submit information through *http://www.regulations.gov* or e-mail, if you believe that it is CBI or otherwise protected from disclosure. The *http://www.regulations.gov* website is an "anonymous access" system, which means that EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *http://www.regulations.gov,* your e-mail address will be automatically captured and included as

part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment along with any disk or CD–ROM submitted. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters and any form of encryption and should be free of any defects or viruses. For additional information about EPA's public docket, visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

Docket: All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at the Air Permits Section (6PD–R), Environmental Protection Agency, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733. The file will be made available by appointment for public inspection in the Region 6 FOIA Review Room between the hours of 8:30 a.m. and 4:30 p.m. weekdays except for legal holidays. Contact the person listed in the **FOR FURTHER INFORMATION CONTACT** paragraph below to make an appointment. If possible, please make the appointment at least two working days in advance of your visit. A 15 cent per page fee will be charged for making photocopies of documents. On the day of the visit, please check in at the EPA Region 6 reception area on the seventh floor at 1445 Ross Avenue, Suite 700, Dallas, Texas.

The State submittal related to this SIP revision, and which is part of the EPA docket, is also available for public inspection at the State Air Agency listed below during official business hours by appointment:

Texas Commission on Environmental Quality, Office of Air Quality, 12124 Park 35 Circle, Austin, Texas 78753.

FOR FURTHER INFORMATION CONTACT: If you have questions concerning today's direct final action, please contact Ms. Adina Wiley (6PD–R), Air Permits Section, Environmental Protection Agency, Region 6, 1445 Ross Avenue (6PD–R), Suite 1200, Dallas, TX 75202–2733. The telephone number is (214) 665–2115. Ms. Wiley can also be reached via electronic mail at *wiley.adina@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, wherever any reference to "we," "us," or "our" is used, we mean EPA.

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I. What Action is EPA Taking?

We are taking direct final action to approve portions of four revisions to the Texas SIP submitted by the Texas Commission on Environmental Quality (TCEQ) on January 3, 2000; September 11, 2000; July 15, 2002; and October 24, 2006. These four revisions create and amend the Emissions Banking and Trading of Allowances Program at 30 Texas Administrative Code (TAC) Chapter 101, Subchapter H, Division 2. Specifically, we are approving through direct final action the adoption of 30 TAC sections 101.330–101.336, submitted on January 3, 2000; the revisions to 30 TAC section 101.333 submitted on September 11, 2000; the adoption of new 30 TAC section 101.338 submitted on July 15, 2002; and the revisions to 30 TAC section 101.338 and the adoption of new 30 TAC section 101.339 submitted on October 24, 2006. Our analysis as presented in this rulemaking action and the accompanying Technical Support Document finds these revisions to the Texas SIP to be consistent with the CAA, 40 CFR Part 51, and EPA's Economic Incentive Program Guidance, "Improving Air Quality with Economic Incentive Programs" (EPA–452/R–01–001, January 2001).

EPA's direct final approval of the EBTA program does not extend to the portions of the 4 SIP revisions that are not related to the EBTA program. Section II of this rulemaking action, titled "What Did Texas Submit?" further explains the state's SIP submittals and EPA's actions on the non-EBTA program provisions.

We are publishing this rule without prior proposal because we view this as a noncontroversial amendment and anticipate no relevant adverse comments. However, in the proposed rules section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the SIP revision if relevant adverse comments are received. This direct final rule will be effective on January 18, 2011 without further notice unless we receive relevant adverse comment by December 16, 2010. If we receive relevant adverse comments, we will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. We will address all public comments in a subsequent final rule based on the proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so now. Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

II. What did Texas submit?

The TCEQ has submitted four SIP revisions concerning the EBTA Program. Below is an itemized listing of each of these submittals which details all sections submitted for EPA review and any rulemaking actions taken to date on these submissions.

January 3, 2000

- On December 16, 1999, the Texas Natural Resource Conservation Commission (TNRCC) (the predecessor agency to the TCEQ) adopted new provisions establishing the EBTA program, pursuant to Senate Bill 7, 76th Legislature, 1999 (SB 7). These new provisions created 30 TAC Chapter 101, Subchapter H, Division 2, Sections 101.330–101.337. Governor George W. Bush submitted these provisions as a SIP revision in a letter dated January 3, 2000, for rule log number 99033–116–AI.

- On December 16, 1999, TNRCC also adopted new provisions at 30 TAC Chapter 116, Sections 116.18, 116.910–116.914, 116.916, 116.920–116.922, 116.930, and 116.931 concerning the permitting of grandfathered electric generating facilities, also pursuant to Senate Bill 7. These provisions were also submitted to EPA on January 3, 2000, as part of rule project number 99033–116–AI.

- EPA is taking separate action on the provisions for the permitting of grandfathered electric generating facilities at 30 TAC Chapter 116, Sections 116.18, 116.910–116.914, 116.916, 116.920–116.922, 116.930, and

116.931.[1] See 75 FR 64235, October 19, 2010 at docket EPA–R06–OAR–2005–TX–0031.

September 11, 2000

• On August 9, 2000, the TNRCC adopted amendments to the EBTA program at 30 TAC Chapter 101, Subchapter H, Division 2, Section 101.333. Governor George W. Bush submitted these amendments as a SIP revision in a letter dated September 11, 2000, for rule log number 1999–029B–116–AI.

• On August 9, 2000, TNRCC also adopted amendments to 30 TAC Chapter 101, Subchapter A, Section 101.27 for revised emission fees calculations. The TNRCC also adopted amendments to 30 TAC Chapter 116, Sections 116.10, 116.110, 116.116, 116.603, 116.620, 116.621, 116.710, 116.715, 116.721, 116.722 and 116.750 pursuant to Senate Bill 766, 76th Legislature, 1999. All of these provisions were submitted to EPA on September 11, 2000, as part of rule log number 1999–029B–116–AI.

• On December 28, 2009, EPA returned the submittal of 30 TAC 101.27 to the Texas Commission on Environmental Quality (TCEQ) as part of the Title V Operating Permit Program rather than a Title I program that is implemented through the SIP. TCEQ submitted a letter on January 14, 2010, concurring with our assessment and withdrawing 30 TAC 101.27 from consideration as a SIP submittal.

• On November 14, 2003, EPA approved the amendments to 30 TAC Sections 116.110, 116.116, and 116.603. See 68 FR 64548.

• On April 14, 2010, EPA approved the amendments to 30 TAC Section 116.10(6) submitted on September 11, 2000. Also in this action EPA disapproved the amendments to 30 TAC Section 116.10(2) and took no action on 30 TAC Section 116.10(5)(F). See 75 FR 19468.

• On June 30, 2010, EPA issued a final disapproval of the Texas Flexible Permits Program, including disapproval of 30 TAC Sections 116.710, 116.715, 116.721, 116.722, and 116.750 submitted on September 11, 2000. See (75 FR 41312, July 15, 2010).

• The amendments to 30 TAC Section 116.620 remain open for review and action by EPA at a later date. EPA is under a consent decree deadline to take final action no later than October 31, 2011.

• The amendments to 30 TAC Section 116.621 were repealed by the TCEQ on March 1, 2006, as part of Rule Project Number 2003–066–116–PR. No further action is needed by EPA on this section.

July 15, 2002

• On March 13, 2002, the TNRCC adopted new provisions in the EBTA Program for emission reductions achieved outside the United States at 30 TAC Chapter 101, Subchapter H, Division 2, Section 101.338. The Chairman of the TNRCC, Mr. Robert J. Huston, submitted this section as a SIP revision in a letter dated July 15, 2002, for rule project number 2001–063–101–AI.

• On March 13, 2002, the TNRCC also adopted revisions to the Emission Credit Banking and Trading Program (referred to elsewhere in this document as the Emission Reduction Credit (ERC) Program) at 30 TAC Chapter 101, Subchapter H, Division 1, Section 101.302; the Mass Emissions Cap and Trade (MECT) Program at 30 TAC Chapter 101, Subchapter H, Division 3, Section 101.357, and the Discrete Emission Credit Banking and Trading Program (referred to elsewhere in this document as the Discrete Emission Reduction Credit (DERC) Program) at 30 TAC Chapter 101, Subchapter H, Division 4, Section 101.372. The TNRCC also adopted new 30 TAC 117.571. All of these provisions were also submitted to EPA on July 15, 2002, as part of rule project number 2001–063–101–AI.

• EPA fully approved the amendments to section 101.302 on September 6, 2006. See 71 FR 52698.

• EPA conditionally approved the amendments to section 101.372 on September 6, 2006. See 71 FR 52703. The conditional approval of the DERC Program was converted to a full approval on May 18, 2010. See 75 FR 27644.

• EPA has taken no action to date on new section 101.357. This section is severable from our analysis and action on the EBTA program because the MECT Program is a separate, stand-alone cap and trade program specific to the Houston-Galveston-Brazoria (HGB) ozone nonattainment area. This action remains open for review and action at a later date by EPA.

• EPA has taken no action to date on new section 117.571. This section is severable from our analysis and action on the EBTA program because section 117.571 establishes provisions to allow the substitution of emissions reductions achieved under the Texas Emission Reduction Program (TERP) for NO_X emission reductions required in the HGB and Dallas/Fort Worth ozone nonattainment areas. This section remains open for review and action at a later date by EPA.

October 24, 2006

• On October 4, 2006, the Texas Commission on Environmental Quality (TCEQ) adopted the repeal of 30 TAC Section 101.338 and new 30 TAC Sections 101.338 and 101.339. The Chairman of the TCEQ, Ms. Kathleen Hartnett White, submitted these provisions as a SIP revision in a letter dated October 24, 2006, for rule project number 2005–054–101–PR. In this SIP submittal cover letter, Chairman White requested that EPA take no federal action on 30 TAC Section 101.337 submitted on January 3, 2000; section 101.337 establishes requirements unique to the El Paso Region which will be state only requirements.

• On October 4, 2006, TCEQ also adopted revisions to the ERC program at 30 TAC Chapter 101, Sections 101.302, 101.305 and 101.306 to address the mandates of Texas Senate Bill 784 and the conditions of EPA's final conditional approval of the DERC Program, September 6, 2006. See 71 FR 52703. Also at this time, the TCEQ adopted revisions to the DERC Program at 30 TAC Chapter 101, Sections 101.372, 101.373, 101.375, 101.376, and 101.378 to address the mandates of Texas SB 784 and the conditions of EPA's final conditional approval of the DERC Program, September 6, 2006. All of these revisions were submitted to EPA on October 24, 2006, as part of rule project number 2005–054–101–PR.

• On April 30, 2010, EPA fully approved the amendments to the ERC and DERC Programs at 30 TAC Chapter 101, Sections 101.302, 101.305, 101.306, 101.372, 101.373, 101.375, 101.376, and 101.378. See 75 FR 27644 and 75 FR 27647, May 18, 2010.

III. What is the Emissions Banking and Trading of Allowances Program?

Why did Texas develop the EBTA Program?

The TCEQ created the EBTA Program to implement the requirements of Texas SB 7, from the 76th Legislature, 1999, which deregulated the electric utility industry. Under SB 7, TCEQ was required to develop a permitting system and a mass cap and trade system to distribute allowances for use by electric generating facilities. The EBTA program is designed to achieve a 50 percent reduction in NO_X emissions and a 25 percent reduction in SO_2 emissions,

[1] A grandfathered facility is defined as a facility that is not a new facility, was constructed prior to August 30, 1971 (or no construction contract was executed on or before August 30, 1971 that specified a beginning construction date on or before February 29, 1972) and has not been modified since August 30, 1971. EPA SIP-approved this definition on April 14, 2010, see 75 FR 19468.

both based on 1997 heat input data, from participating sources. The permitting system required under SB 7 and established at 30 TAC Chapter 116, Subchapter I, is being evaluated in a separate rulemaking action (See 75 FR 64235, October 19, 2010 at docket EPA–R06–OAR–2005–TX–0031).

How does the EBTA Program work?

The EBTA Program is similar to the source specific emissions cap as described in EPA's Economic Incentive Program (EIP) Guidance, "Improving Air Quality with Economic Incentive Programs" (EPA–452/R–01–001, January 2001) (EIP Guidance). A source specific emissions cap (SSEC) allows a limited group of sources that are subject to a rate-based emission limit to meet that requirement by accepting a mass-based emission limit, or cap, rather than complying directly with a rate-based limit. Some attributes that characterize a successful SSEC include a well-defined group of sources, little potential for emissions to shift from included sources to excluded sources, and a relatively low level of uncertainty associated with the program. In the EBTA Program, the participating sources are limited to grandfathered and electing electric generating facilities (EGFs). An electing EGF is a facility permitted under 30 TAC Chapter 116, Subchapter B that elects to comply with the permitting program established in Texas SB 7 at 30 TAC Chapter 116, Subchapter I.

The EBTA divides Texas into three regions—East Texas, West Texas, and El Paso. The East Texas Region includes all counties traversed by or east of Interstate Highway 35 north of San Antonio or traversed by or east of Highway 37 south of San Antonio, also including Bexar, Bosque, Coryell, Hood, Parker, Somervell, and Wise Counties. The West Texas Region includes all counties not contained in the East Texas or El Paso Regions. The El Paso Region is defined at 30 TAC section 101.330(13) as all of El Paso County, Ciudad Juarez, Mexico, and Sunland Park, New Mexico. Note that on October 24, 2006, TCEQ requested no Federal action on the portions of the EBTA that pertain to the El Paso region.

To achieve the reductions of 50 percent NO_X emissions and 25 percent SO_2 emissions, the TCEQ established emission caps for each region. The caps consist of allowances allocated by the TCEQ to each facility in the EBTA initially by January 1, 2000, for grandfathered EGFs and by January 1, 2001, for electing EGFs. Beginning in 2004, the TCEQ will allocate the allowances to all facilities in the EBTA by May 1 of each year. The TCEQ will deposit the same amount of allowances into each grandfathered or electing EGF's compliance account at the beginning of each control period, with the exception that the allocation for electing EGFs may be adjusted to reflect new state or Federal requirements. An allowance is the authorization to emit one ton of NO_X or SO_2 during a control period and does not constitute a security or property right. All allowances will be allocated, transferred, or used as whole allowances. The control period for the EBTA is the 12-month period beginning May 1 of each year and ending April 30 of the following year, with the initial control period beginning May 1, 2003.

A facility can choose to operate at, above, or below its allowance budget. A source operating below its allowance budget can bank or trade its allowances for use in subsequent control periods. A source operating above its allowance budget must purchase excess allowances from another source to demonstrate compliance with the cap. Beginning June 1, 2004, and no later than June 1 following the end of every control period, each facility must hold a quantity of allowances in its compliance account that is equal to or greater than the total emissions of air contaminant emitted during the control period just ending. If a facility's actual emissions of air contaminant during a control period exceed the amount of allowances held in the compliance account on June 1, allowances for the next control period will be reduced by an amount equal to the emissions exceeding the allowances in the compliance account. This deduction does not preclude any additional enforcement action by the TCEQ.

Facilities subject to the EBTA must submit a report to the TCEQ by June 30 of each year following the completed control period. This report must include the amount of emissions of each allocated air contaminant and a summary of all final trades for the preceding control period. Additionally, facilities subject to the EBTA will quantify and report emissions using the monitoring and reporting requirements of 30 TAC 116.914 (See 75 FR 64235, October 19, 2010 at docket EPA–R06–OAR–2005–TX–0031).

A grandfathered or electing EGF may use emission reductions achieved from Mexico in lieu of allowances for compliance with the EBTA. The emission reductions may be criteria pollutants or precursors of criteria pollutants, with the exception of lead emissions. The reductions may be used in lieu of the same pollutant requirement (i.e., NO_X reductions from Mexico are substituted for NO_X requirements in Texas). Or, the reductions of criteria pollutants or their precursors may be substituted for emission reduction requirements for other criteria pollutants (i.e., reductions in CO emissions could be substituted for NO_X or SO_2 emission requirements). In the event the Mexican reduction is being substituted for a criteria pollutant requirement (CO for NO_X or SO_2), the substitution must result in greater health benefits and must be of equal or greater benefit to the overall air quality of the area; or the substitution occurs between criteria pollutants for which the area has been designated nonattainment. Generally, the use of reductions from outside the United States must be approved by the TCEQ executive director and the EPA, and the user of the emission reduction must:

1. Demonstrate to the TCEQ executive director and to the EPA that the reduction is real, permanent, enforceable, quantifiable and surplus to any applicable Mexican, federal, state, or local law;

2. Demonstrate that the use of the reduction does not cause localized health impacts, as determined by the TCEQ executive director and EPA;

3. Submit all supporting information for calculations and modeling, and any additional information requested by the TCEQ executive director and EPA; and

4. Be located within 100 kilometers of the Texas-Mexico border.

Sources subject to the EBTA submit an annual compliance report to the TCEQ by June 30 of each year. This report details the amount of emissions of each allocated air contaminant and a summary of all final trades for the preceding control period. Through review of these reports, the TCEQ is able to determine which facilities are in compliance with the program.

The TCEQ executive director will also develop a report no later than September 30th following each control period that includes the number of allowances allocated to each compliance account; the total number of allowances allocated under the EBTA program; the number of actual NO_X and SO_2 allowances subtracted from each compliance account based on the actual NO_X and SO_2 emissions from the site; and a summary of all trades completed under the EBTA program.

Additionally, the TCEQ executive director will audit the program no later than three years after the effective date of the EBTA program, and every three years thereafter. The audit will evaluate the impact of the program on the state's ozone attainment demonstrations, the

availability and cost of allowances, compliance by the participants, and any other elements the executive director deems necessary. If any problems are identified, the executive director will recommend remedies, including the discontinuation of trading in whole or part. This audit will be submitted to the EPA and made available for public inspection within six months after the audit begins.

IV. What is EPA's evaluation of the Emissions Banking and Trading of Allowances Program?

Generally, SIP rules must be enforceable and must not relax existing requirements. See Clean Air Act sections 110(a), 110(l), and 193. EPA's review of the January 3, 2000; September 11, 2000; July 15, 2002; and October 24, 2006 SIP revisions finds that all 4 SIP submittals are consistent with the requirements at 40 CFR part 51 and are considered complete SIP submittals in accordance with 40 CFR part 51, Appendix V. This detailed analysis is available in the TSD for this rulemaking. Additionally, we reviewed the EBTA program with respect to EPA's EIP Guidance "Improving Air Quality with Economic Incentive Programs" (EPA–452/R–01–001, January 2001) (EIP Guidance). Our analysis, as detailed in the TSD accompanying this rulemaking, finds that the EBTA program is consistent with the criteria for discretionary source specific emissions cap programs. The EBTA program will provide compliance flexibility to participating EGFs and achieve the programmatic emission reduction goals of Texas SB 7. Further, EPA finds that the EBTA program is consistent with section 110(l) of the CAA and will not interfere with any applicable requirements concerning attainment and reasonable further progress towards attainment of the NAAQS or any other applicable requirements of the Act.

IV. Final Action

EPA is taking direct final action to approve portions of four revisions to the Texas SIP submitted on January 3, 2000; September 11, 2000; July 15, 2002; and October 24, 2006. Specifically, EPA is approving 30 TAC Chapter 101, Subchapter H, Division 2, Sections 101.330–101.336, submitted on January 3, 2000; the revisions to 30 TAC section 101.333 submitted on September 11, 2000; the adoption of new 30 TAC section 101.338 submitted on July 15, 2002; and the revisions to 30 TAC section 101.338 and the adoption of new 30 TAC section 101.339 submitted on October 24, 2006.

V. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. section 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 18, 2011. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (*See* section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: November 5, 2010.

Lawrence E. Starfield,

Acting Regional Administrator, EPA Region 6.

■ 40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart SS—Texas

■ 2. The table in § 52.2270(c) entitled "EPA-Approved Regulations in the Texas SIP" is amended by adding a new centered heading titled "Division 2—Emissions Banking and Trading of Allowances" immediately after the entry

for Section 101.311 under Chapter 101—General Air Quality Rules, Subchapter H—Emissions Banking and Trading, followed by new entries for sections 101.330, 101.331, 101.332, 101.333, 101.334, 101.335, 101.336, 101.338 and 101.339.

The additions read as follows:

§ 52.2270 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED REGULATIONS IN THE TEXAS SIP

State citation	Title/subject	State approval/submittal date	EPA approval date	Explanation
Chapter 101—General Air Quality Rules				
* *	*	*	* *	*
Subchapter H—Emissions Banking and Trading				
* *	*	*	* *	*
Section 101.311	Program Audits and Reports	11/10/04	9/6/06, 71 FR 52698.	
Division 2—Emissions Banking and Trading of Allowances				
Section 101.330	Definitions	12/16/1999	November 16, 2010 [Insert FR page number where document begins].	
Section 101.331	Applicability	12/16/1999	November 16, 2010 [Insert FR page number where document begins].	
Section 101.332	General Provisions	12/16/1999	November 16, 2010 [Insert FR page number where document begins].	
Section 101.333	Allocation of Allowances	08/09/2000	November 16, 2010 [Insert FR page number where document begins].	
Section 101.334	Allowance Deductions	12/16/1999	November 16, 2010 [Insert FR page number where document begins].	
Section 101.335	Allowance Banking and Trading	12/16/1999	November 16, 2010 [Insert FR page number where document begins].	
Section 101.336	Emission Monitoring, Compliance Demonstration, and Reporting.	12/16/1999	November 16, 2010 [Insert FR page number where document begins].	
Section 101.338	Emission Reductions Achieved Outside the United States.	10/04/2006	November 16, 2010 [Insert FR page number where document begins].	
Section 101.339	Program Audits and Reports	10/04/2006	November 16, 2010 [Insert FR page number where document begins].	
* *	*	*	* *	*

[FR Doc. 2010–28659 Filed 11–15–10; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–HQ–OAR–2010–0473; FRL–9227–6]

Extension of Deadline for Action on the Second Section 126 Petition From New Jersey

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: In this action, EPA is determining that 60 days is insufficient time to complete the technical and other analyses and the public notice and comment process required for our review of a petition submitted by the State of New Jersey Department of Environmental Protection (New Jersey) pursuant to section 126 of the Clean Air Act (CAA). The petition requests that EPA make a finding that the coal-fired Portland Generating Station in Upper Mount Bethel Township, Northampton County, Pennsylvania, is emitting air pollutants that significantly contribute to nonattainment or interfere with maintenance of the 1-hour sulfur dioxide (SO_2) national ambient air quality standards (NAAQS). Under the CAA, EPA is authorized to grant a time extension for responding to the petition if EPA determines that the extension is necessary, among other things, to meet the purposes of the CAA's rulemaking requirements. By this action, EPA is making that determination. EPA is therefore extending the deadline for acting on the petition to no later than May 16, 2011.

DATES: The effective date of this action is November 16, 2010.

ADDRESSES: EPA has established a docket for this rulemaking under Docket ID number EPA–HQ–OAR–2010–0473.

All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* confidential business information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at the EPA Docket Center EPA/DC, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the EPA Docket Center is (202) 566–1742.

FOR FURTHER INFORMATION CONTACT: General questions concerning this final rule should be addressed to Ms. Gobeail McKinley, Office of Air Quality Planning and Standards, Geographic Strategies Group, Mail Code C539–04, Research Triangle Park, NC 27711; telephone (919) 541–5246; e-mail address: *mckinley.gobeail@epa.gov.*

SUPPLEMENTARY INFORMATION:

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I. Background

This is a procedural action to extend the deadline for EPA to respond to a petition from New Jersey filed under CAA section 126. EPA received the petition and a link to the supporting documentation via e-mail on September 17, 2010. The petition requests that EPA make a finding under section 126 of the CAA that the coal-fired Portland Generating Station (Portland Plant) in Upper Mount Bethel Township, Northampton County, Pennsylvania, is emitting air pollutants in violation of the provisions of section 110(a)(2)(D)(i) of the CAA with respect to the 1-hour SO2 NAAQS. New Jersey stated that the petition provided additional documentation to supplement a section 126 petition submitted by New Jersey on May 12, 2010.

A. Legal Requirements for Interstate Air Pollution

The Clean Air Act provides, in Section 110(a)(2)(D)(i), that each State's State Implementation Plan (SIP) shall contain adequate provisions prohibiting emissions of any air pollutant in amounts which will contribute significantly to nonattainment in, or interfere with maintenance by, any other State with respect to any NAAQS. Section 126(b) of the CAA in turn authorizes States or political subdivisions to petition EPA to find that a major source or group of stationary sources in upwind States emits or would emit any air pollutant in violation of the prohibition of section 110(a)(2)(D)(i)[1] by contributing significantly to nonattainment or maintenance problems in downwind States. If EPA makes such a finding, the source must cease operation or comply with emission limits established by EPA.

Under section 126(b), EPA must make the finding requested in the petition, or must deny the petition within 60 days of its receipt. Under section 126(c), any existing sources for which EPA makes the requested finding must cease operations within three months of the finding, except that the source may continue to operate if it complies with emission limitations and compliance schedules that EPA may provide to bring about compliance with the applicable requirements as expeditiously as practical but no later than 3 years from the date of the finding.

Section 126(b) further provides that EPA must hold a public hearing on the petition. EPA's action under section 126 is also subject to the procedural requirements of CAA section 307(d). *See* section 307(d)(1)(N). One of these requirements is notice-and-comment rulemaking, under section 307(d)(3).

In addition, section 307(d)(10) provides for a time extension, under certain circumstances, for rulemaking subject to section 307(d). Specifically, section 307(d)(10) provides:

> Each statutory deadline for promulgation of rules to which this subsection applies which requires promulgation less than six months after date of proposal may be extended to not more than six months after date of proposal by the Administrator upon a determination that such extension is necessary to afford the public, and the agency, adequate opportunity to carry out the purposes of the subsection.

Section 307(d)(10) applies to section 126 rulemakings because the 60-day time limit under section 126(b) necessarily limits the period after proposal to less than six months.

B. New Jersey's September 2010 Submittal

EPA has determined that the September 17, 2010, petition submitted by New Jersey is a new petition and not a supplement to the May 12, 2010, petition. The first petition submitted by New Jersey on May 12, 2010, alleged that emissions from the Portland Plant significantly contribute to nonattainment or interfere with maintenance of the 2006 24-hour fine particulate ($PM_{2.5}$) NAAQS and the 3-hour and 24-hour SO_2 NAAQS. Subsequently, EPA promulgated the revised primary SO_2 NAAQS on June 2, 2010 (75 FR 35520). Specifically, EPA established the new 1-hour SO_2 NAAQS at a level of 75 parts per billion (ppb), based on the 3-year average of the annual 99th percentile of 1-hour daily maximum concentrations. The second petition submitted by New Jersey on September 17, 2010, alleges that emissions from the Portland Plant significantly contribute to nonattainment or interfere with maintenance of the newly promulgated 1-hour SO_2 NAAQS. Because the 1-hour SO_2 NAAQS did not exist at the time New Jersey filed its first petition, the 1-hour SO_2 NAAQS could not constitute a basis for that petition. For this reason, EPA believes it is more appropriate to treat the second petition as a new section 126 petition instead of as a supplement to the first petition. EPA is reviewing the first petition and the

[1] The text of section 126 codified in the United States Code cross references section 110(a)(2)(D)(ii) instead of section 110(a)(2)(D)(i). The courts have confirmed that this is a scrivener's error and the correct cross reference is to section 110(a)(2)(D)(i), *See Appalachian Power Co.* v. *EPA, 249 F.3d 1032, 1040–44 (DC Cir. 2001).*

current deadline for a response to that petition is January 12, 2011 (75 FR 39633).

II. Final Action

A. Rule

In accordance with section 307(d)(10), EPA is determining that the 60-day period afforded by section 126(b) for responding to the second petition from New Jersey is not adequate to allow the public and the Agency the opportunity to carry out the purposes of section 307(b). Specifically, the 60-day period is insufficient for EPA to complete the necessary technical review, develop an adequate proposal, and allow time for notice and comment on whether the Portland Plant identified in the section 126 petition contributes significantly to nonattainment or maintenance problems in New Jersey. EPA is currently reviewing the second petition and supporting technical information provided by New Jersey. The supporting information being reviewed includes modeling that New Jersey asserts supports a finding that the Portland Plant significantly contributes to exceedances of the 1-hour SO_2 NAAQS in New Jersey. In addition, New Jersey has begun providing monitoring data from a recently established monitor in Warren County. Based on preliminary data from the site, there are indications that ground level concentrations are approaching or exceeding the 1-hour SO_2 NAAQS levels. EPA notes that these data are preliminary in nature and have not been validated. If, after reviewing the available technical information, EPA concludes that the Portland Plant significantly contributes to exceedances of the 1-hour SO_2 NAAQS in New Jersey, it would propose to grant the petition and make a positive finding pursuant to section 126. EPA currently intends to propose a response to the second petition in February 2011.

EPA considers this extension of the deadline for action on the second petition essential to afford adequate time to fully review and evaluate the basis for the petition, develop a proposed remedy, if necessary, prepare a proposal that clearly explains the issues so as to facilitate public comment, and provide adequate time for the public to comment prior to issuing the final rule. As a result of this extension, the deadline for EPA to act on the petition is no later than May 16, 2011.

B. Notice-and-Comment Under the Administrative Procedures Act (APA)

This document is a final agency action, but may not be subject to the notice-and-comment requirements of the APA, 5 U.S.C. 553(b). The EPA believes that, because of the limited time provided to make a determination that the deadline for action on the section 126 petition should be extended, Congress may not have intended such a determination to be subject to notice-and-comment rulemaking. However, to the extent that this determination otherwise would require notice and opportunity for public comment, there is good cause within the meaning of 5 U.S.C. 553(b)(3)(B) not to apply those requirements here. Providing for notice and comment would be impracticable because of the limited time provided for making this determination, and would be contrary to the public interest because it would divert Agency resources from the substantive review of the section 126 petition.

C. Effective Date Under the APA

This action is effective on November 16, 2010. Under the APA, 5 U.S.C. 553(d)(3), agency rulemaking may take effect before 30 days after the date of publication in the **Federal Register** if the agency has good cause to mandate an earlier effective date. This action—a deadline extension—must take effect immediately because its purpose is to extend by 6 months the deadline for action on the petition. It is important for this deadline extension action to be effective before the original 60-day period for action elapses. As discussed above, EPA intends to use the 6-month extension period to develop a proposal on the petition and provide time for public comment before issuing the final rule. It would not be possible for EPA to complete the required notice-and-comment and public hearing process within the original 60-day period noted in the statute. These reasons support an immediate effective date.

III. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review

This action is not a "significant regulatory action" under the terms of Executive Order (EO) 12866 (58 FR 51735, October 4, 1993) and is therefore not subject to review by the Office of Management and Budget under the EO.

B. Paperwork Reduction Act

This action does not impose an information collection burden under the provisions of the *Paperwork Reduction Act*, 44 U.S.C. 3501 *et seq.* Burden is defined at 5 CFR 1320(b). This action simply extends the date for EPA to take action on a petition and does not impose any new obligations or enforceable duties on any State, local or Tribal governments or the private sector. Therefore, it does not impose an information collection burden.

C. Regulatory Flexibility Act

This final rule is not subject to the Regulatory Flexibility Act (RFA), which generally requires an agency to prepare a regulatory flexibility analysis for any rule that will have a significant economic impact on a substantial number of small entities. The RFA applies only to rules subject to notice-and-comment rulemaking requirements under the APA or any other statute. This rule is not subject to notice-and-comment requirements under the APA or any other statute because, although the rule is subject to the APA, the Agency has invoked the "good cause" exemption under 5 U.S.C. 553(b). Therefore, it is not subject to the notice-and-comment requirement.

D. Unfunded Mandates Reform Act

This action contains no Federal mandates under the provisions of Title II of the Unfunded Mandates Reform Act of 1995 (URMA), 2 U.S.C. 1531–1538 for State, local, or Tribal governments or the private sector. This action imposes no enforceable duty on any State, local, or Tribal governments or the private sector.

This action simply extends the deadline for EPA to take action on a petition and does not impose any new obligations or enforceable duties on any State, local or Tribal governments or the private sector. Therefore, this action is not subject to the requirements of sections 202 and 205 of the UMRA. This action is also not subject to the requirements of section 203 of URMA because it contains no regulatory requirements that might significantly or uniquely affect small governments. This action simply extends the date for EPA to take action on a petition and does not impose any new obligations or enforceable duties on any small governments.

E. Executive Order 13132 (Federalism)

Executive Order 13132, entitled "Federalism" (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in

the Executive Order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government."

This action does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. This rule simply extends the date for EPA to take action on a petition and does not impose any new obligations or enforceable duties on any State, local or Tribal governments or the private sector. Thus, Executive Order 13132 does not apply to this rule.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have Tribal implications as specified in Executive Order 13175 (65 FR 67249, November 9, 2000). It will not have substantial direct effects on Tribal governments, on the relationship between the Federal government and Indian Tribes, or on the distribution of power and responsibilities between the Federal government and Indian Tribes, as specified in Executive Order 13175. This action does not significantly or uniquely affect the communities of Indian Tribal governments. As discussed above, this action imposes no new requirements that would impose compliance burdens. Accordingly, the requirements of Executive Order 13175 do not apply to this rule.

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

This action is not subject to EO 13045 (62 FR 19885, April 23, 1997) because the Agency does not believe the environmental health risks or safety risks addressed by this action present a disproportionate risk to children. This action is not subject to executive Order 13045 because it does not establish an environmental standard intended to mitigate health or safety risks. This rule simply extends the deadline for EPA to take action on a petition and does not impose any regulatory requirements.

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not a "significant energy action" as defined in Executive Order 13211 (66 FR 28355 (May 22, 2001)), because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Further, we have concluded that this rule is not likely to have any adverse effects because this action simply extends the deadline for EPA to take action on a petition.

I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 ("NTTAA"), Public Law 104–113, 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.*, materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This action does not involve technical standards. Therefore, EPA did not consider the use of any voluntary consensus standards.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

Executive Order 12898 (59 FR 7629 (Feb. 16, 1994)) establishes Federal executive policy on environmental justice. Its main provision directs Federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minorities and low-income populations in the United States.

The EPA has determined that this final rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it simply extends the deadline for EPA to take action on a petition and does not impose any regulatory requirements.

K. Congressional Review Act

The Congressional Review Act (CRA), 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 808 of the CRA provides an exception to this requirement. For any rule for which an agency for good cause finds that notice and comment are impracticable, unnecessary, or contrary to the public interest, the rule may take effect on the date set by the Agency. The EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

L. Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 18, 2011. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (*See* section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Administrative practice and procedure, Air pollution control, Electric utilities, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements, Sulfur dioxide.

Dated: November 10, 2010.

Lisa P. Jackson,

Administrator.

[FR Doc. 2010–28960 Filed 11–15–10; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA–2010–0003]

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: Base (1% annual-chance) Flood Elevations (BFEs) and modified BFEs are made final for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The date of issuance of the Flood Insurance Rate Map (FIRM) showing BFEs and modified BFEs for each community. This date may be obtained by contacting the office where the maps are available for inspection as indicated in the table below.

ADDRESSES: The final BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: Roy E. Wright, Deputy Director, Risk Analysis Division, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–3461, or (e-mail) *roy.e.wright@dhs.gov.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the modified BFEs for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Deputy Federal Insurance and Mitigation Administrator has resolved any appeals resulting from this notification.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and FIRM available at the address cited below for each community. The BFEs and modified BFEs are made final in the communities listed below. Elevations at selected locations in each community are shown.

National Environmental Policy Act. This final rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

Regulatory Flexibility Act. As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601–612, a regulatory flexibility analysis is not required.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This final rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This final rule meets the applicable standards of Executive Order 12988.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

■ Accordingly, 44 CFR part 67 is amended as follows:

PART 67—[AMENDED]

■ 1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.;* Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.11 [Amended]

■ 2. The tables published under the authority of § 67.11 are amended as follows:

State	City/town/county	Source of flooding	Location	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL) Modified
City of Brookport, Massac County, Illinois Docket No.: FEMA–B–7773				
Illinois	City of Brookport	Ohio River	Approximately 3,680 feet downstream of U.S. Route 45.	*339
			Approximately 2,460 feet upstream of U.S. Route 45.	*339

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

City of Brookport
Maps are available for inspection at City Hall, 209 Ohio Street, Brookport, IL 62910.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL) Modified	Communities affected
Boone County, Arkansas, and Incorporated Areas Docket No.: FEMA–B–1074			
Crooked Creek	Approximately 200 feet downstream of U.S. Route 65	+1047	Unincorporated Areas of Boone County.
	Approximately 1,300 feet upstream of Cloverhill Road	+1070	
Dry Jordan Creek	Approximately 0.63 mile upstream of Goblin Drive	+1167	Unincorporated Areas of Boone County.
	Approximately 0.64 mile upstream of Goblin Drive	+1167	
Dry Jordan Tributary	Approximately 560 feet upstream of U.S. Route 65	+1208	Unincorporated Areas of Boone County.
	Approximately 720 feet upstream of U.S. Route 65	+1208	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

Unincorporated Areas of Boone County

Maps are available for inspection at 100 North Main Street, Harrison, AR 72601.

Johnson County, Arkansas, and Incorporated Areas Docket No.: FEMA–B–1074			
Little Willett Branch	Just upstream of State Highway 103	+409	Unincorporated Areas of Johnson County.
	Approximately 200 feet upstream of State Highway 103	+409	
Sprada Creek	Approximately 1,050 feet downstream of Private Road 3477.	+391	Unincorporated Areas of Johnson County.
	Just upstream of County Highway 3520	+411	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

Unincorporated Areas of Johnson County

Maps are available for inspection at 705 Cline Road, Clarksville, AR 72830.

Del Norte County, California, and Incorporated Areas Docket No.: FEMA–B–1074			
Lake Earl	Entire shoreline	+13	Unincorporated Areas of Del Norte County.
Lake Tolowa	Entire shoreline	+13	Unincorporated Areas of Del Norte County.
Overflow Southwest of Smith River.	Approximately 2,000 feet east of the intersection of Prigmore Street and Fisher Drive.	+13	Unincorporated Areas of Del Norte County.
	Approximately 500 feet west of the intersection of U.S. Route 101 and Reynolds Court.	+40	
Pacific Ocean	From approximately 1,420 feet north of Pyramid Point to approximately 7,870 feet south of the mouth of Lake Tolowa along the shoreline of the Pacific Ocean.	+14–20	Unincorporated Areas of Del Norte County.
	Approximately 7,000 feet north of the mouth of Lake Tolowa, just inland of the shoreline of the Pacific Ocean.	#1	
	Approximately 2,300 feet north of the mouth of Lake Tolowa, just inland of the shoreline of the Pacific Ocean.	#2	
Rowdy Creek	At the confluence with the Smith River	+25	Unincorporated Areas of Del Norte County.
	Approximately 1,450 feet upstream of U.S. Route 101	+64	
Sheetflow Southwest of Smith River.	From just downstream of U.S. Route 101 to approximately 500 feet west of Lower Lake Road between Tryon Creek and the Smith River.	#2	Unincorporated Areas of Del Norte County.
Smith River	At the mouth of the Smith River	+15	Unincorporated Areas of Del Norte County.
	Approximately 2,100 feet upstream of U.S. Route 101	+47	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL) Modified	Communities affected

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

Unincorporated Areas of Del Norte County

Maps are available for inspection at City Hall, Public Works Department, 377 J Street, Crescent City, CA 95531.

Kauai County, Hawaii
Docket No.: FEMA–B–1064

Pacific Ocean	On the Pacific Ocean coastline, on the east side of the island, approximately 0.6 mile northeast of Kuahona Point.	#1	Kauai County.
	On the Pacific Ocean coastline, on the east side of the island, approximately 0.9 mile southeast of the intersection of Niumalu Road and Hulemalu Road.	#89	
	Approximately 2,075 feet southeast of the intersection of Waapa Road and Niumalu Road.	#1	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

Kauai County

Maps are available for inspection at the Kauai County Public Works Department, Engineering Division, 444 Rice Street, Lihue, HI 96766.

Acadia Parish, Louisiana, and Incorporated Areas
Docket No.: FEMA–B–1035

Flooding Effects of Mermentau River.	Approximately 4,126 feet upstream of the confluence of the Mermentau River and Bayou Queue de Tortue (Base Flood Elevations extend from the river edge east into the surrounding area).	+11	Unincorporated Areas of Acadia Parish, Village of Mermentau.
	Approximately 9,450 feet upstream of the South Railroad Avenue crossing.	+15	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

Unincorporated Areas of Acadia Parish

Maps are available for inspection at 568 Northeast Court Circle, Crowley, LA 70526.

Village of Mermentau

Maps are available for inspection at 104 7th Street, Mermentau, LA 70556.

Beauregard Parish, Louisiana, and Incorporated Areas
Docket No.: FEMA–B–1071

Cowpen Creek	Just downstream of Graybow Road	+174	Unincorporated Areas of Beauregard Parish.
	Approximately 0.9 mile upstream of Sunset Lane	+196	
Hickory Branch Creek	Approximately 0.7 mile downstream of Mays Street	+160	City of Deridder, Unincorporated Areas of Beauregard Parish.
	Approximately 1,300 feet upstream of Park Road	+173	
Palmetto Creek	Just upstream of U.S. Route 171	+131	City of Deridder, Unincorporated Areas of Beauregard Parish.
	Just downstream of U.S. Route 190	+180	
Unnamed Tributary of Cowpen Creek.	At the confluence with Cowpen Creek	+192	Unincorporated Areas of Beauregard Parish.
	Approximately 0.4 mile upstream of Country Lane	+192	

* National Geodetic Vertical Datum.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL) Modified	Communities affected

+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

Unincorporated Areas of Beauregard Parish

Maps are available for inspection at 201 West 2nd Street, Deridder, LA 70634.

City of Deridder

Maps are available for inspection at 200 South Jefferson Street, Deridder, LA 70634.

Eaton County, Michigan (All Jurisdictions)
Docket No.: FEMA–B–1061

Carrier Creek	At the confluence with Moon and Hamilton County Drain	+837	Charter Township of Delta.
	Approximately 550 feet upstream of Grand Trunk Western Railroad.	+867	
Grand River	Approximately 5,490 feet upstream of the divergence from the Grand River Bypass.	+875	Township of Hamlin.
	Approximately 5,850 feet upstream of the divergence from the Grand River Bypass.	+875	
Miller Creek	Approximately 50 feet upstream of Willow Highway	+808	Charter Township of Delta.
	Approximately 700 feet upstream of Ireland Drive	+851	
Miller Creek Overflow Channel.	Approximately 800 feet upstream of the convergence with Miller Creek.	+822	Charter Township of Delta.
	Approximately 1,760 feet upstream of the convergence with Miller Creek.	+828	
Moon and Hamilton County Drain.	Approximately 1,900 feet upstream of Willow Highway	+812	Charter Township of Delta.
	Approximately 4,200 feet upstream of Millett Highway	+869	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

Charter Township of Delta

Maps are available for inspection at 7710 West Saginaw Highway, Delta, MI 48917.

Township of Hamlin

Maps are available for inspection at 6463 South Clinton Trail, Eaton Rapids, MI 68827.

Lyon County, Minnesota, and Incorporated Areas
Docket No.: FEMA–B–7826

County Ditch No. 63	Approximately 5,190 feet downstream of County Road 8	+1150	City of Ghent, Unincorporated Areas of Lyon County.
	Approximately 60 feet upstream of 310th Street	+1167	
Meadow Creek	At the county boundary	+1122	Unincorporated Areas of Lyon County.
	Approximately 2,735 feet upstream of County Road 7	+1185	
Meadow Creek Overflow Channel.	At the confluence with Meadow Creek	+1185	Unincorporated Areas of Lyon County.
	Approximately 340 feet upstream of State Highway 23	+1189	
Redwood River	At the county boundary	+1067	City of Lynd, City of Marshall, City of Russell, Unincorporated Areas of Lyon County.
	Approximately 225 feet upstream of State Highway 23	+1516	
South Branch Yellow Medicine River.	At the confluence with the Yellow Medicine River	+1119	City of Minneota, Unincorporated Areas of Lyon County.
	Approximately 1,495 feet upstream of West Lyon Street	+1170	
Three Mile Creek	At the confluence with the Redwood River	+1081	Unincorporated Areas of Lyon County.
	Approximately 4,880 feet upstream of State Highway 68	+1158	
Yellow Medicine River	Approximately 3,295 feet downstream of the county boundary.	+1094	Unincorporated Areas of Lyon County.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL) Modified	Communities affected
	At Lyon Lincoln Road	+1167	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

City of Ghent
Maps are available for inspection at 107 Chapman Street, Ghent, MN 56239.
City of Lynd
Maps are available for inspection at 111 West Railroad, Lynd, MN 56157.
City of Marshall
Maps are available for inspection at 344 Main Street, Marshall, MN 56258.
City of Minneota
Maps are available for inspection at 129 East 1st Street, Minneota, MN 56264.
City of Russell
Maps are available for inspection at 106 River Street, Russell, MN 56169.

Unincorporated Areas of Lyon County
Maps are available for inspection at 607 West Main Street, Marshall, MN 56258.

Lafayette County, Mississippi, and Incorporated Areas
Docket No.: FEMA–B–1076

Burney Branch	Approximately 0.5 mile downstream of Veterans Drive	+350	City of Oxford.
	Approximately 1,727 feet upstream of Sisk Avenue	+454	
Davidson Creek	Approximately 0.4 mile downstream of College Hill Road	+355	City of Oxford.
	Approximately 1,444 feet downstream of College Hill Road	+359	
Enid Lake/Yocona River	Just downstream of County Road 387	+274	Unincorporated Areas of Lafayette County.
	Approximately 1 mile downstream of Mississippi Highway 315.	+274	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

Unincorporated Areas of Lafayette County
Maps are available for inspection at the Lafayette County Courthouse, 1 Courthouse Square, Oxford, MS 38655.
City of Oxford
Maps are available for inspection at City Hall, 107 Courthouse Square, Oxford, MS 38655.

Lafayette County, Missouri, and Incorporated Areas
Docket No.: FEMA–B–1075

Missouri River	Approximately at U.S. Route 24	+677	City of Waverly.
	Approximately 1,100 feet upstream of U.S. Route 24	+678	
Missouri River	Approximately 10 miles upstream of U.S. Route 24	+684	City of Lexington, City of Napoleon, City of Wellington, Unincorporated Areas of Lafayette County.
	Approximately 0.5 mile downstream of the Jackson County boundary.	+709	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

Unincorporated Areas of Lafayette County
Maps are available for inspection at 1001 Main Street, Lexington, MO 64067.
City of Lexington
Maps are available for inspection at 919 Franklin Street, Lexington, MO 64067.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL) Modified	Communities affected

City of Napoleon
Maps are available for inspection at 191 West 2nd Street, Napoleon, MO 64074.
City of Waverly
Maps are available for inspection at 111 East Kelling Avenue, Waverly, MO 64096.
City of Wellington
Maps are available for inspection at 101 East 4th Street, Wellington, MO 64097.

Newton County, Missouri, and Incorporated Areas
Docket No.: FEMA–B–1075

Shoal Creek	Approximately 400 feet upstream of the Town of Grand Falls Plaza corporate limits.	+887	Village of Grand Fall Plaza.
Shoal Creek	Approximately 75 feet downstream of the Village of Shoal Creek Estates corporate limits.	+898	Village of Shoal Creek Drive.
	Approximately 175 feet upstream of the Village of Shoal Creek Drive corporate limits.	+903	
Shoal Creek	Approximately 150 feet downstream of the Village of Cliff Village corporate limits.	+906	Village of Cliff Village.
Shoal Creek	Approximately 75 feet downstream of the Village of Shoal Creek Estates corporate limits.	+915	Village of Shoal Creek Estates.
South Indian Creek	Approximately 300 feet downstream of Ozark Street	+1119	City of Stella.
	Approximately 150 feet upstream of Ozark Street	+1122	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

City of Stella
Maps are available for inspection at 744 Ozark Street, Stella, MO 64867.
Village of Cliff Village
Maps are available for inspection at 202 West Brook Street, Neosho, MO 64850.
Village of Grand Falls Plaza
Maps are available for inspection at 202 West Brook Street, Neosho, MO 64850.
Village of Shoal Creek Drive
Maps are available for inspection at 202 West Brook Street, Neosho, MO 64850.
Village of Shoal Creek Estates
Maps are available for inspection at 202 West Brook Street, Neosho, MO 64850.

Buffalo County, Nebraska, and Incorporated Areas
Docket No.: FEMA–B–1061

Airport Draw	At the confluence with the Wood River	+2119	City of Kearney, Unincorporated Areas of Buffalo County.
	Just downstream of East 56th Street	+2179	
Glenwood Park Creek	At the confluence with the Wood River	+2140	City of Kearney, Unincorporated Areas of Buffalo County.
	Just downstream of West 39th Street	+2229	
Kearney Canal	Approximately 1.0 mile above Cottonmill Avenue	+2220	City of Kearney.
North Channel Platte River (eastern portion of stream, eastern side of City of Kearney).	Approximately 0.9 mile downstream of County Highway 36 (Cherry Avenue).	+2114	City of Kearney.
	Approximately 200 feet downstream of County Highway 36 (Cherry Avenue).	+2118	
North Channel Platte River (western portion of stream, west of City of Kearney).	Approximately 0.5 mile downstream of 62nd Avenue	+2165	City of Kearney.
	Just downstream of 62nd Avenue	+2169	
Platte River (eastern portion of stream, southeast of City of Kearney).	Approximately 2.9 miles downstream of State Highway 44	+2122	City of Kearney.
	Approximately 2.1 miles downstream of State Highway 44	+2128	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL) Modified	Communities affected
Platte River (western portion of stream, southwest of City of Kearney).	Approximately 2.1 miles upstream of State Highway 44	+2157	City of Kearney, Unincorporated Areas of Buffalo County.
	Approximately 3.3 miles upstream of State Highway 44	+2165	
Shallow flooding from North Dry Creek Ditch.	Approximately 0.6 mile upstream of the confluence with the Platte River.	+2155	City of Kearney.
	Approximately 1.2 mile upstream of the confluence with the Platte River.	+2156	
Wood River	Approximately 2.0 miles downstream of Imperial Avenue	+2113	Unincorporated Areas of Buffalo County.
	Approximately 0.4 mile upstream of State Highway 10	+2146	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

Unincorporated Areas of Buffalo County

Maps are available for inspection at 1512 Central Avenue, Kearney, NE 68847.

City of Kearney

Maps are available for inspection at 18 East 22nd Street, Kearney, NE 68847.

Cass County, Nebraska, and Incorporated Areas
Docket No: FEMA–B–1080

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL) Modified	Communities affected
Missouri River	Approximately 1.54 miles southeast of Eaton Lane	+943	City of Plattsmouth, Unincorporated Areas of Cass County.
	Approximately 2.61 miles downstream of I–75	+969	
Platte River	Approximately 2.61 miles downstream of I–75	+969	City of Plattsmouth, Unincorporated Areas of Cass County, Village of Cedar Creek, Village of Louisville, Village of South Bend.
	Approximately 1.74 miles upstream of I–80	+1061	
Weeping Water Creek	Approximately 0.53 mile downstream of 48th Street	+993	Village of Nehawka.
	Approximately 0.49 mile upstream of 48th Street	+998	
Weeping Water Creek	Just upstream of Scenic Road	+1061	City of Weeping Water, Unincorporated Areas of Cass County.
	Approximately 0.53 mile downstream of State Highway 50	+1094	
	Approximately 215 feet upstream of State Highway 50	+1111	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

Unincorporated Areas of Cass County

Maps are available for inspection at the Cass County Courthouse, 346 Main Street, Plattsmouth, NE 68048.

City of Plattsmouth

Maps are available for inspection at City Hall, 136 North 5th Street, Plattsmouth, NE 68048.

City of Weeping Water

Maps are available for inspection at City Hall, 203 West Eldora, Weeping Water, NE 68463.

Village of Cedar Creek

Maps are available for inspection at the Village Office, 200 East B Street, Cedar Creek, NE 68016.

Village of Louisville

Maps are available for inspection at City Hall, 210 Main Street, Louisville, NE 68037.

Village of Nehawka

Maps are available for inspection at the Village Office, 713 Elm Street, Nehawka, NE 68413.

Village of South Bend

Maps are available for inspection at the Village Hall, 300 Spruce Street, South Bend, NE 68058.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL) Modified	Communities affected
Chenango County, New York (All Jurisdictions) Docket No.: FEMA–B–1076			
Canasawacta Creek	At the confluence with the Chenango River	+990	City of Norwich, Town of Norwich.
	Approximately 825 feet upstream of the confluence with the Chenango River.	+990	
Chenango River	At the downstream county boundary	+899	City of Norwich, Town of Greene, Town of North Norwich, Town of Oxford, Town of Preston, Town of Sherburne, Town of Smyrna, Village of Earlville, Village of Greene, Village of Oxford, Village of Sherburne.
	At the upstream county boundary	+1074	
Kelsey Brook	At the confluence with the Susquehanna River	+972	Village of Afton.
	Approximately 995 feet upstream of Main Street (State Route 7).	+972	
Susquehanna River	At the downstream county boundary	+965	Town of Afton, Town of Bainbridge, Village of Afton, Village of Bainbridge.
	At the upstream county boundary	+987	
Unadilla River	At the confluence with the Susquehanna River	+987	Town of Bainbridge, Town of Guilford, Town of New Berlin, Town of Norwich, Village of New Berlin.
	Approximately 1.7 mile upstream of State Route 80	+1101	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

City of Norwich
Maps are available for inspection at City Hall, 1 City Plaza, Norwich, NY 13814.
Town of Afton
Maps are available for inspection at the Afton Town Hall, 169 Main Street, Afton, NY 13730.
Town of Bainbridge
Maps are available for inspection at the Bainbridge Town Hall, 15 North Main Street, Bainbridge, NY 13733.
Town of Greene
Maps are available for inspection at the Greene Town Hall, 51 Genesee Street, Greene, NY 13778.
Town of Guilford
Maps are available for inspection at the Town Hall, 223 Marble Road, Guilford, NY 13780.
Town of New Berlin
Maps are available for inspection at the New Berlin Town Hall, 30 North Main Street, New Berlin, NY 13411.
Town of North Norwich
Maps are available for inspection at the Town Hall, 188 County Road 23, North Norwich, NY 13814.
Town of Norwich
Maps are available for inspection at the Norwich Town Hall, 157 County Road 32A, Norwich, NY 13815.
Town of Oxford
Maps are available for inspection at the Oxford Town Hall, 20 Lafayette Park, Oxford, NY 13830.
Town of Preston
Maps are available for inspection at the Preston Town Barn, 671 Tamarack Road, Oxford, NY 13830.
Town of Sherburne
Maps are available for inspection at the Sherburne Town Hall, 1 Canal Street, Sherburne, NY 13460.
Town of Smyrna
Maps are available for inspection at the Town Clerk's Office, 1893 State Route 80, Smyrna, NY 13464.
Village of Afton
Maps are available for inspection at the Afton Village Hall, 105 Main Street, Afton, NY 13730.
Village of Bainbridge
Maps are available for inspection at the Bainbridge Village Office, 33 West Main Street, Bainbridge, NY 13733.
Village of Earlville
Maps are available for inspection at the Village Hall, 8 North Main Street, Earlville, NY 13332.
Village of Greene
Maps are available for inspection at the Greene Village Hall, 49 Genesee Street, Greene, NY 13778.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL) Modified	Communities affected

Village of New Berlin
Maps are available for inspection at the New Berlin Village Hall, 13 South Main Street, New Berlin, NY 13411.
Village of Oxford
Maps are available for inspection at the Oxford Village Hall, 20 Lafayette Park, Oxford, NY 13830.
Village of Sherburne
Maps are available for inspection at the Sherburne Village Hall, 15 West State Street, Sherburne, NY 13460.

Adair County, Oklahoma, and Incorporated Areas
Docket No.: FEMA–B–1068

8th Street Tributary	At the confluence with Caney Creek	+1055	City of Stillwell, Unincorporated Areas of Adair County.
	Just downstream of 8th Street	+1069	
Caney Creek	Approximately 1,926 feet downstream of the 4696 Road	+977	City of Stillwell, Unincorporated Areas of Adair County.
	Just upstream of Oklahoma Street	+1118	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

Unincorporated Areas of Adair County
Maps are available for inspection at the Adair County Commissioners Office, 2nd and Division Street, Stillwell, OK 74960.
City of Stillwell
Maps are available for inspection at the City Clerk's Office, 503 West Division Street, Stillwell, OK 74960.

Columbia County, Oregon, and Incorporated Areas
Docket No.: FEMA–B–1075

Nehalem River	Approximately 0.29 mile upstream of the State Highway 47 Bridge.	+613	City of Vernonia, Unincorporated Areas of Columbia County.
	Approximately 0.46 mile downstream of Sword Place	+623	
Rock Creek	At the confluence with the Nehalem River	+620	City of Vernonia, Unincorporated Areas of Columbia County.
	Approximately 0.72 mile upstream of Bridge Street	+622	
Rock Creek Overbank	At the confluence with Rock Creek	+617	City of Vernonia.
	Approximately 400 feet upstream of Washington Avenue	+621	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

Unincorporated Areas of Columbia County
Maps are available for inspection at 230 Strand Street, St. Helens, OR 97051.
City of Vernonia
Maps are available for inspection at 1001 Bridge Street, Vernonia, OR 97064.

Bledsoe County, Tennessee, and Incorporated Areas
Docket No.: FEMA–B–1060

Sequatchie River	Approximately 1,200 feet downstream of State Route 30	+819	Unincorporated Areas of Bledsoe County.
	Approximately 2,745 feet downstream of Upper East Valley Road.	+825	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL) Modified	Communities affected

ADDRESSES

Unincorporated Areas of Bledsoe County

Maps are available for inspection at 3031 Main Street, Suite 600, Pikeville, TN 37367.

Lavaca County, Texas, and Incorporated Areas
Docket No.: FEMA–B–1069

Lavaca River	At the confluence with Rickaway Branch	+213	Unincorporated Areas of Lavaca County.
	Approximately 300 feet downstream of the confluence with Campbell Branch.	+229	
Rickaway Branch	Approximately 2,500 feet upstream of the confluence with the Lavaca River.	+213	Unincorporated Areas of Lavaca County.
	Approximately 0.66 mile upstream of Cemetery Road	+239	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

Unincorporated Areas of Lavaca County

Maps are available for inspection at 201 North La Grange, Hallettsville, TX 77964.

Wilson County, Texas, and Incorporated Areas
Docket No.: FEMA–B–1032

Cibolo Creek	Approximately 2,000 feet downstream of County Road 345	+486	Unincorporated Areas of Wilson County.
	Approximately 995 feet downstream of County Road A	+496	
Lodi Branch	Approximately 373 feet upstream of 1st Street	+393	Unincorporated Areas of Wilson County.
	Approximately 1,290 feet downstream of State Highway 97 West.	+407	
Picosa Creek	Approximately 6,036 feet downstream of State Highway 97 West.	+373	Unincorporated Areas of Wilson County.
	Approximately 6,700 feet downstream of Pleasanton Road	+378	
San Antonio River	Approximately 1,327 feet downstream of the confluence with Pajarito Creek.	+373	Unincorporated Areas of Wilson County
	At the confluence with Tributary 320	+390	
Stream 2	At the confluence with the San Antonio River	+373	Unincorporated Areas of Wilson County.
	Approximately 1,220 feet downstream of State Highway 97 West.	+373	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

Unincorporated Areas of Wilson County

Maps are available for inspection at 1430 3rd Street, Floresville, TX 78114

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: October 29, 2010.

Sandra K. Knight,

Deputy Federal Insurance and Mitigation Administrator, Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2010–28835 Filed 11–15–10; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 0907301205–0289–02]

RIN 0648–XA039

Fisheries of the Northeastern United States; Atlantic Herring Fishery; Temporary Removal of 2,000-lb (907.2 kg) Herring Trip Limit in Atlantic Herring Management Area 1A

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule.

SUMMARY: NMFS announces a temporary removal of the 2,000-lb (907.2 kg) trip limit for the Atlantic herring fishery in Management Area 1A (Area 1A). The trip limit removal is because catch data indicate that 95 percent of the total allowable catch (TAC) threshold in Area 1A has not been fully attained. Vessels issued a Federal permit to harvest Atlantic herring may resume fishing for and landing herring, in amounts greater than 2,000 lb (907.2 kg), consistent with their respective Atlantic herring permit categories, effective 0001 hrs, November 15, 2010, through 0001 hrs, November 17, 2010. At 0001 hrs, November 17, 2010, vessels will again be prohibited from fishing for, catching, possessing, transferring, or landing more than 2,000 lb (907.2 kg) of Atlantic herring per trip or calendar day.

DATES: Effective 0001 hours, November 15, 2010, through 0001 hours, November 17, 2010.

FOR FURTHER INFORMATION CONTACT: Lindsey Feldman, Fishery Management Specialist, 978–675–2179.

SUPPLEMENTARY INFORMATION: Regulations governing the Atlantic herring fishery are found at 50 CFR part 648. The regulations require annual specification of optimum yield, domestic and foreign fishing, domestic and joint venture processing, and management area TACs. Final herring specifications for 2010–2012 published on August 12, 2010 (75 FR 48874). The 2010 total TAC is 91,200 mt, allocated to the herring management areas as follows: 26,546 mt to Area 1A, 4,362 mt to Area 1B; 22,146 mt to Area 2; and 38,146 mt to Area 3.

Regulations at § 648.201(a) require NMFS to monitor catch from the herring fishery in each of the herring management areas, using dealer reports, state data, and other available information, to determine when the catch of herring is projected to reach 95 percent of the TAC allocated. When such a determination is made, NMFS is required to prohibit, through publication in the **Federal Register,** herring vessel permit holders from fishing for, catching, possessing, transferring, or landing more than 2,000 lb (907.2 kg) of herring, per trip or calendar day, in or from the specified management area for the remainder of the closure period, with the exception of transiting as described below.

NMFS filed a temporary rule, effective November 8, 2010, in the **Federal Register,** projecting that 95 percent of the Area 1A TAC had been harvested. Based upon information indicating that 95 percent of the TAC would be reached by November 8, 2010, the temporary rule reduced the herring trip limit for all federally permitted herring vessels to 2,000 lb (907.2 kg) per trip in Area 1A; the trip limit reduction was effective through December 31, 2010.

The NMFS Northeast Regional Administrator has since determined, based upon the latest dealer reports and other available information, that the herring fleet has not yet taken 95 percent of the TAC as of November 8, 2010, and that there is approximately 5,000 mt of Atlantic herring quota still available in Area 1A. Therefore, to ensure that the herring fleet is able to take up to 95 percent of the TAC, consistent with applicable regulations and trip limits, this action temporarily removes the 2,000-lb (907.2 kg) trip limit implemented on November 8, 2010, and restores the trip limits, if any, in effect before November 8, 2010, until 0001 hrs November 17, 2010. This means that effective 0001 hrs, November 15, 2010, through 0001 hrs, November 17, 2010, vessels issued an All Areas Limited Access Herring Permit are authorized to fish for, possess, or land Atlantic herring with no possession restrictions; vessels issued an Areas 2 and 3 Limited Access Herring Permit are authorized to fish for, possess, or land Atlantic herring only if issued an open access herring permit or a Limited Access Incidental Catch Permit; vessels issued a Limited Access Incidental Catch Herring Permit are authorized to fish for, possess, or land up to 55,000 lb (25 mt); and vessels issued an open access herring permit may not fish for, possess, or land more than 6,600 lb (3 mt) or Atlantic herring in Area 1A.

At 0001 hrs November 17, 2010, all federally permitted herring vessels will again be prohibited from fishing for, catching, possessing, transferring, or landing more than 2,000 lb (907.2 kg) of herring, per trip or calendar day, in or from Area 1A, through December 31, 2010. Vessels transiting Area 1A with more than 2,000 lb (907.2 kg) of herring on board may do so, provided such herring was not caught in Area 1A and that all fishing gear is stowed and not available for immediate use, as required by § 648.23(b).

Effective 0001 hrs, November 15, 2010, federally permitted dealers are advised that they may purchase more than 2,000 lb (907.2 kg) of Atlantic herring caught in Area 1A by federally permitted vessels until 0001 hrs November 17, 2010. At 0001 hrs November 17, 2010, federally permitted dealers will again be prohibited from purchasing herring from federally permitted herring vessels that harvest more than 2,000 lb (907.2 kg) of herring from Area 1A, through 2400 hrs local time, December 31, 2010.

Classification

This action is taken under 50 CFR part 648 and is exempt from review under E.O. 12866.

The Assistant Administrator for Fisheries, NOAA (AA), finds good cause pursuant to 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment because it would be contrary to the public interest. This action temporarily removes the 2,000-lb (907.2 kg) herring trip limit in Area 1A from November 15 until November 17, 2010. As of 0001 hrs November 17, 2010, the Area 1A trip limit will again be reduced to 2,000 lb (907.2 kg) per trip or calendar day, until December 31, 2010. The Atlantic herring fishery opened for the 2010 fishing year at 0001 hrs on January 1, 2010. The Atlantic herring fleet was prohibited from fishing for, catching, possessing, transferring, or landing more than 2,000 lb (907.2 mt) per trip or calendar day on November 8, 2010, based on projections that 95 percent of the available Area 1A herring quota had been harvested. Catch data indicating the Atlantic herring fleet did not harvest the full amount of available quota have only very recently become available. If implementation of this temporary removal of the 2,000-lb (907.2 kg) trip limit is delayed to solicit

prior public comment, the remaining quota may not be fully harvested before the end of the 2010 fishing year on December 31. The AA finds, pursuant to 5 U.S.C. 553(d)(3), good cause to waive the 30-day delayed effectiveness period for the reasons stated above.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: November 10, 2010.

Brian Parker,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2010–28845 Filed 11–10–10; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 75, No. 220
Tuesday, November 16, 2010

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2010–0949; Airspace Docket No. 10–ASO–34]

Proposed Amendment of Class E Airspace; Brunswick Malcolm-McKinnon Airport, GA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class E airspace at Brunswick, GA, as the McKinnon NDB Non-Directional Beacon (NDB) has been decommissioned and new Standard Instrument Approach Procedures (SIAPs) have been developed at Malcolm-McKinnon Airport. The geographic coordinates for the airport also would be adjusted. Also, reference to the Glynco Jetport would be removed from the airspace designation. This action would enhance the safety and airspace management of Instrument Flight Rules (IFR) operations at the airport.

DATES: 0901 UTC. Comments must be received on or before January 3, 2011.

ADDRESSES: Send comments on this rule to: U. S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001; *Telephone:* 1–800–647–5527; *Fax:* 202–493–2251. You must identify the Docket Number FAA–2010–0949; Airspace Docket No. 10–ASO–34, at the beginning of your comments. You may also submit and review received comments through the Internet at *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Melinda Giddens, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5610.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on this rule by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA–2010–0949; Airspace Docket No. 10–ASO–34) and be submitted in triplicate to the Docket Management System (*see* **ADDRESSES** section for address and phone number). You may also submit comments through the Internet at *http://www.regulations.gov*.

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: "Comments to Docket No. FAA–2010–0949; Airspace Docket No. 10–ASO–34." The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded from and comments submitted through *http://www.regulations.gov*. Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov/airports_airtraffic/air_traffic/publications/airspace_amendments/*.

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (*see* the **ADDRESSES** section for address and phone number) between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Eastern Service Center, Federal Aviation Administration, room 210, 1701 Columbia Avenue, College Park, Georgia 30337.

Persons interested in being placed on a mailing list for future NPRMs should contact the FAA's Office of Rulemaking, (202) 267–9677, to request a copy of Advisory circular No. 11–2A, Notice of Proposed Rulemaking distribution System, which describes the application procedure.

The Proposal

The FAA is considering an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 to amend Class E surface area airspace to accommodate new SIAPs developed at Malcolm-McKinnon Airport, Brunswick, GA. Airspace reconfiguration is necessary due to the decommissioning of the McKinnon NDB and cancellation of the NDB approach, and for continued safety and management of IFR operations at the airport. Also, the geographic coordinates of the airport would be adjusted to coincide with the FAAs National Aeronautical Charting Office, and reference to the Glenco Jetport would be removed from the airspace designation as the Jetport is listed separately in the Order.

Class E airspace designated as surface areas are published in Paragraph 6002, of FAA order 7400.9U, dated August 18, 2010, and effective September 15, 2010, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will

only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This proposed rulemaking is promulgated under the authority described in subtitle VII, part, A, subpart I, section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This proposed regulation is within the scope of that authority as it would amend Class E airspace at Malcolm-McKinnon Airport, Brunswick, GA.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND CLASS E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9U, Airspace Designations and Reporting Points, dated August 18, 2010, effective September 15, 2010, is amended as follows:

Paragraph 6002 Class E airspace designated as surface areas.

* * * * *

ASO GA E2 Brunswick Malcolm-McKinnon Airport, GA [AMENDED]

Brunswick Malcolm-McKinnon Airport, GA
(Lat. 31°09′07″ N., long. 81°23′29″ W.)

That airspace extending upward from the surface within a 4.1-mile radius of the Brunswick Malcolm-McKinnon Airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously purblished in the Airport/Facility Directory.

Issued in College Park, Georgia, on November 2, 2010.

Mark D. Ward,

Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2010–28761 Filed 11–15–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2010–0879]

RIN 1625–AA09

Drawbridge Operation Regulation; Atlantic Intracoastal Waterway (AIWW), Elizabeth River, Southern Branch, VA

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to temporarily change the regulations that govern the operation of the Gilmerton (US13/460) Bridge across the Elizabeth River (Southern Branch), AIWW mile 5.8, at Chesapeake, VA. Due to the construction of the new Gilmerton Highway Bridge, the existing drawbridge has experienced increased delays to vehicular traffic during unscheduled vessel openings. The proposed change would provide adjustments and set opening periods for the bridge during the day, relieving vehicular traffic congestion during the weekday and weekend daytime hours while still providing for the reasonable needs of navigation.

DATES: Comments and related material must be received by the Coast Guard on or before April 18, 2011.

ADDRESSES: You may submit comments identified by docket number USCG–2010–0879 using any one of the following methods:

(1) *Federal eRulemaking Portal: http://www.regulations.gov.*

(2) *Fax:* 202–493–2251.

(3) *Mail:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001.

(4) *Hand Delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

To avoid duplication, please use only one of these methods. *See* the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or e-mail Bill H. Brazier, Bridge Management Specialist, Fifth Coast Guard District; telephone 757–398–6422, *Bill.H.Brazier@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. All comments received will be posted, without change to *http://www.regulations.gov* and will include any personal information you have provided.

Submitting Comments

If you submit a comment, please include the docket number for this rulemaking (USCG–2010–0879), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online (*http://www.regulations.gov*), or by fax, mail or hand delivery, but please use only one of these means. If you submit a comment online via *http://www.regulations.gov,* it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an e-mail address, or a phone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* click on the "submit a comment" box, which will then become highlighted in blue. In the "Document Type" drop down menu select "Proposed Rules" and insert "USCG–2010–0879" in the "Keyword" box. Click "Search" then click on the balloon shape in the "Actions" column.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* click on the "read comments" box, which will then become highlighted in blue. In the "Keyword" box insert "USCG–2010–0879" and click "Search." Click the "Open Docket Folder" in the "Actions" column. You may also visit either the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation, West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. We have an agreement with the Department of Transportation to use the Docket Management Facility.

Privacy Act

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008 issue of the **Federal Register** (73 FR 3316).

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one using one of the four methods specified under **ADDRESSES**. Please explain why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Basis and Purpose

The City of Chesapeake, Virginia (the City), who owns and operates the lift-type Gilmerton (US13/460) Bridge, has requested a temporary change to the existing bridge regulations. The current regulation, set out in 33 CFR 117.997(c), requires the Gilmerton (US13/460) Bridge, at AIWW mile 5.8, in Chesapeake to open on signal at any time for commercial vessels carrying liquefied flammable gas or other hazardous materials. From 6:30 a.m. to 8:30 a.m. and from 3:30 p.m. to 5:30 p.m. Monday through Friday, except Federal holidays, the draw need not open for the passage of recreational or commercial vessels; except the draw shall open for commercial cargo vessels, including tugs, and tugs with tows, if two hours' advance notice is given to the Gilmerton Bridge at (757) 545–1512. At all other times, the draw shall open on signal. The current operating schedule has been in effect since November 17, 2003.

The Gilmerton Bridge Replacement project, which is currently underway since November 2009, will provide a new vertical-lift type bridge over the Southern Branch of the Elizabeth River to replace the existing bridge that was constructed in 1938.

Due to the construction for the new Gilmerton Bridge, vehicular traffic is limited to one lane in each direction and the bridge and approaches have experienced back-ups, delays, and congestion. This temporary change will allow, from June 19, 2011, to December 20, 2013, the draw of the Gilmerton (US13/460) Bridge to open on signal at any time for commercial vessels carrying liquefied flammable gas or other hazardous materials. From 6:30 a.m. to 9:30 a.m. and from 3:30 p.m. to 6:30 p.m., Monday through Friday, except Federal holidays, the draw need not open for the passage of recreational or commercial vessels; except the draw shall open anytime for commercial cargo vessels, including tugs, and tugs with tows, if two hours' advance notice is given to the Gilmerton Bridge at (757) 545–1512.

From 9:30 a.m. to 3:30 p.m. Monday through Friday and from 6:30 a.m. to 6:30 p.m. Saturdays, Sundays and Federal holidays, the draw shall open on signal hourly on the half hour; except the draw shall open anytime for commercial cargo vessels, including tugs, and tugs with tows, if two hours' advance notice is given to the Gilmerton Bridge at (757) 545–1512. At all other times, the draw shall open on signal.

By expanding the morning and evening rush hour periods on the weekdays and implementing scheduled bridge openings between the rush hour periods and on the weekends, we anticipate a decrease in vehicular traffic congestion during the daytime hours.

Concurrent with the publication of the Notice of Proposed Rulemaking (NPRM), a Test Deviation [USCG–2010–0879] has been issued to allow the City to test the proposed schedule and to obtain data and public comments. The test deviation will be in effect during the entire Notice of Proposed Rulemaking comment period. Also, a count of the delayed vessels during the closure periods will be taken to ensure a future regulation will not have a significant impact on navigation. This NPRM has been coordinated with the main commercial waterway user group, specifically, the Virginia Maritime Association who represents waterborne commerce in the Port of Hampton Roads, and there is no expectation of any significant impacts on navigation.

Vessel traffic on this waterway consists of pleasure craft, tug and barge traffic, and ships with assist tugs. There are no alternate routes for vessels transiting this section of the Atlantic Intracoastal Waterway and the drawbridge will be able to open in the event of an emergency.

According to records furnished by the City, there were a total of 6,195 bridge openings and 12,498 vessel passages occurring at the drawbridge between September 2009 and September 2010. (*See* Table A)

TABLE A

2009	2009	2009	2009	2010	2010	2010	2010	2010	2010	2010	2010	2010
SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
BRIDGE OPENINGS FOR SEPTEMBER 2009–SEPTEMBER 2010												
551	621	549	503	299	284	317	476	639	616	459	365	516
BOAT PASSAGES FOR SEPTEMBER 2009–SEPTEMBER 2010												
892	1,858	1,361	645	406	392	478	967	1,770	1,408	791	628	902

Under normal conditions, the Gilmerton (US13/460) Bridge is a vital transportation route for over 35,000 motorists per day. According to recent vehicular traffic counts submitted by the City, the average daily traffic volume decreased at the Gilmerton (US13/460) Bridge to approximately 20,000 cars a day. Due to construction, the I–64 High Rise Bridge is the suggested alternate route for motorists. Even with the alternative vehicular route, the Coast Guard anticipates continued vehicular traffic congestion over the Gilmerton Highway Bridge due to the reduction of highway lanes and anticipates that traffic congestion will subside once the new bridge is completed.

Discussion of Proposed Rule

The Coast Guard proposes to temporarily amend the regulations governing the Gilmerton (US13/460) Bridge at AIWW mile 5.8, in Chesapeake, at 33 CFR 117.997(c), by inserting a new paragraph (j). From June 19, 2010, to December 20, 2013, the draw shall open on signal at any time for commercial vessels carrying liquefied flammable gas or other hazardous materials. From 6:30 a.m. to 9:30 a.m. and from 3:30 p.m. to 6:30 p.m., Monday through Friday, except Federal holidays, the draw need not open for the passage of recreational or commercial vessels; except the draw shall open anytime for commercial cargo vessels, including tugs, and tugs with tows, if two hours' advance notice is given to the Gilmerton Bridge at (757) 545–1512.

From 9:30 a.m. to 3:30 p.m. Monday through Friday and from 6:30 a.m. to 6:30 p.m. Saturdays, Sundays and Federal holidays, the draw shall open on signal hourly on the half hour; except the draw shall open anytime for commercial cargo vessels, including tugs, and tugs with tows, if two hours' advance notice is given to the Gilmerton Bridge at (757) 545–1512. At all other times, the draw shall open on signal.

This temporary change will reduce openings to specific times which will help alleviate traffic congestion on the Gilmerton (US13/460) Bridge and its approaches. The Coast Guard believes that the congestion to vehicular traffic is due to previously referenced vehicular traffic limitations and will subside when construction of the new bridge is completed.

Regulatory Analyses

We developed this proposed rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on 13 of these statutes or executive orders.

Regulatory Planning and Review

This proposed rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The proposed changes are expected to have only a minimal impact on maritime traffic transiting the bridge. Mariners can plan their trips in accordance with the scheduled bridge openings to minimize delays.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. This proposed rule would affect the following entities, some of which might be small entities: Owners and operators of vessels other than certain commercial cargo vessels needing to transit the bridge. This proposed rule would not have a significant economic impact on a substantial number of small entities because the rule only adds minimal restrictions to the movement of navigation, by expanding the morning and evening rush hour periods on the weekdays and implementing scheduled bridge openings between the rush hour periods and on the weekends. Mariners who plan their transits in accordance with the scheduled bridge openings can minimize delay.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (*see* **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Waverly W. Gregory, Jr., Bridge Administrator, Fifth Coast Guard District, (757) 398–6222. The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520.).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this proposed rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this proposed rule will not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This proposed rule would not affect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety

Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01, and Commandant Instruction M16475.lD which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment because it simply promulgates the operating regulations or procedures for drawbridges. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

2. From June 19, 2010, to December 20, 2013, in § 117.997, suspend paragraph (c) and temporarily add a new paragraph (j) to read as follows:

§ 117.997 Atlantic Intracoastal Waterway, South Branch of the Elizabeth River to the Albemarle and Chesapeake Canal.

* * * * *

(j) The draw of the Gilmerton (US13/460) Bridge, mile 5.8, in Chesapeake:

(1) Shall open on signal at any time for commercial vessels carrying liquefied flammable gas or other hazardous materials.

(2) From 6:30 a.m. to 9:30 a.m. and from 3:30 p.m. to 6:30 p.m., Monday through Friday, except Federal holidays:

(i) Need not open for the passage of recreational or commercial vessels that do not qualify under paragraph (j)(2)(ii) of this section.

(ii) Need not open for commercial cargo vessels, including tugs, and tugs with tows, unless 2 hours' advance notice has been given to the Gilmerton Bridge at (757) 545–1512.

(3) From 9:30 a.m. to 3:30 p.m. Monday through Friday and from 6:30 a.m. to 6:30 p.m. Saturdays, Sundays and Federal holidays, the draw need only be opened every hour on the half hour, except the draw shall open on signal for commercial vessels that qualify under paragraphs (j)(1) and (j)(2)(ii) of this section.

(4) Shall open on signal at all other times.

Dated: November 2, 2010.

Patrick B. Trapp,

Captain, U.S. Coast Guard, Acting Commander, Fifth Coast Guard District.

[FR Doc. 2010–28738 Filed 11–15–10; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2005–TX–0012; FRL–9226–3]

Approval and Promulgation of Implementation Plans; Texas; Emissions Banking and Trading of Allowances Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve portions of four revisions to the Texas State Implementation Plan (SIP) that create and amend the Emissions Banking and Trading of Allowances (EBTA) Program. The EBTA Program establishes a cap and trade program to reduce emissions of oxides of nitrogen (NO_X) and sulfur dioxide (SO_2) from participating electric generating facilities. The Texas Commission on Environmental Quality (TCEQ) originally submitted the EBTA program to EPA as a SIP revision on January 3, 2000. Since that time, the TCEQ has submitted SIP revisions for the EBTA Program on September 11, 2000; July 15, 2002; and October 24, 2006. EPA has determined that these changes to the Texas SIP comply with the Federal Clean Air Act (the Act or CAA) and EPA regulations, are consistent with EPA policies, and will improve air quality. This action is being taken under section 110 and parts C and D of the Act.

DATES: Comments must be received on or before December 16, 2010.

ADDRESSES: Comments may be mailed to Mr. Jeff Robinson, Chief, Air Permits Section (6PD–R), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733. Comments may also be submitted electronically or through hand delivery/courier by following the detailed instructions in the **ADDRESSES** section of the direct final rule located in the rules section of this **Federal Register**.

FOR FURTHER INFORMATION CONTACT: If you have questions concerning today's proposal, please contact Ms. Adina Wiley (6PD–R), Air Permits Section, Environmental Protection Agency, Region 6, 1445 Ross Avenue (6PD–R),

Suite 1200, Dallas, TX 75202–2733. The telephone number is (214) 665–2115. Ms. Wiley can also be reached via electronic mail at *wiley.adina@epa.gov.*

SUPPLEMENTARY INFORMATION: In the final rules section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no relevant adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no relevant adverse comments are received in response to this action, no further activity is contemplated. If EPA receives relevant adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of the rule, and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

For additional information, see the direct final rule which is located in the rules section of this **Federal Register**.

Dated: November 5, 2010.

Lawrence E. Starfield,

Acting Regional Administrator, Region 6.

[FR Doc. 2010–28660 Filed 11–15–10; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2010–0906; FRL–9227–1]

Revisions to the California State Implementation Plan, California Air Resources Board—Consumer Products

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve revisions to the California Air Resources Board portion of the California State Implementation Plan (SIP). These revisions concern volatile organic compound (VOC) emissions from consumer products. We are approving a local rule that regulates these emission sources under the Clean Air Act as amended in 1990 (CAA or the Act). We are taking comments on this proposal and plan to follow with a final action.

DATES: Any comments must arrive by December 16, 2010.

ADDRESSES: Submit comments, identified by docket number EPA–R09–OAR–2010–0906, by one of the following methods: *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions.

1. *E-mail: steckel.andrew@epa.gov.*
2. *Mail or deliver:* Andrew Steckel (Air-4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Instructions: All comments will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through *http://www.regulations.gov* or e-mail. *http://www.regulations.gov* is an "anonymous access" system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send e-mail directly to EPA, your e-mail address will be automatically captured and included as part of the public comment. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

Docket: The index to the docket for this action is available electronically at *http://www.regulations.gov* and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (*e.g.,* copyrighted material), and some may not be publicly available in either location (*e.g.,* CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Stanley Tong, EPA Region IX, (415) 947–4122, *tong.stanley@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, "we," "us" and "our" refer to EPA.

Table of Contents

I. The State's Submittal

A. What rule did the State submit?

Table 1 lists the rule addressed by this proposal with the date that it was adopted by the State and submitted by the California Air Resources Board (CARB).

TABLE 1—SUBMITTED RULE

Regulation	Regulation title	Amended	Submitted
California Code of Regulations, Title 17, Division 3, Chapter 1, Subchapter 8.5—Consumer Products.	Article 2—Consumer Products.	05/05/09	02/16/10

On May 25, 2010, EPA determined that the submittal for the California Code of Regulations, Title 17, Division 3, Chapter 1, Subchapter 8.5, Article 2—Consumer Products, met the completeness criteria in 40 CFR Part 51, Appendix V, which must be met before formal EPA review.

B. Are there other versions of this rule?

We approved an earlier version of Article 2 of CARB's Consumer Products regulation into the SIP on November 4,

2009 (74 FR 57074). CARB adopted revisions to the SIP-approved version on May 5, 2009 and submitted them to us on February 16, 2010.

C. What is the purpose of the submitted rule revisions?

VOCs help produce ground-level ozone and smog, which harm human health and the environment. Section 110(a) of the CAA requires States to submit regulations that control VOC emissions.

The California Health and Safety Code (Section 41712(b)) requires CARB to adopt regulations to achieve the maximum feasible reduction in volatile organic compounds emitted by consumer products if the state board determines:

(1) The regulations are necessary to attain state and federal ambient air quality standards.

(2) The regulations are commercially and technologically feasible and necessary.

CARB's current amendments to the consumer products regulations establish new or lower VOC limits on 19 consumer product categories. Included in these changes are limits for eight new categories (astringent/toner, fabric softener—single use dryer product, floor maintenance product, vehicle wash, odor remover/eliminator, pressurized gas duster, tire or wheel cleaner, and windshield water repellent).

The amendments clarify several definitions, impose a 0.05 grams of VOC per use limit for fabric softeners—single use dryer products, remove an exemption for personal fragrance products with 20 percent or less fragrance, prohibit the use of the toxic air contaminants methylene chloride, perchloroethylene, or trichloroethylene in certain product categories, prohibit the use of compounds with a global warming potential (GWP) of 150 or greater in pressurized gas dusters, and establish a 25 percent by weight VOC limit for multipurpose lubricants and penetrants. The 25 percent VOC limit for multipurpose lubricants and penetrants is effective December 31, 2013 and the category also includes a technology forcing second tier VOC limit of 10 percent by December 31, 2015.

CARB received many comments during the public comment period, ranging from general support for many of the amendments and suggestions for additional categories (*e.g.,* janitorial cleaning products) to regulate, to concerns from industry about the technological difficulties posed by the revised VOC limits and effective dates for multi-purpose lubricants. CARB addressed these comments in their Final Statement of Reasons for Rulemaking.

CARB estimates these amendments, when fully implemented, will achieve VOC reductions of 5.76 tons per day, greenhouse gas emission reductions equivalent to approximately 0.20 million metric tons of carbon dioxide per year, and air toxics emission reductions of 0.2 tons per day.

EPA's technical support document (TSD) has more information about this rule.

II. EPA's Evaluation and Action

A. How is EPA evaluating the rule?

Generally, SIP rules must be enforceable (*see* section 110(a) of the Act), and must not relax existing requirements (*see* sections 110(l) and 193). California's consumer products regulation covers VOC area sources and not stationary sources.

In 1998 EPA promulgated a national rule to regulate VOC emissions from consumer products (63 FR 48831, September 11, 1998). EPA's national rule largely parallels CARB's earlier SIP-approved consumer products rule. The amendments we are proposing to approve today regulate more consumer product categories and are more stringent than EPA's national standards.

Rules, guidance and policy documents that we use to evaluate enforceability and SIP revisions include the following:

1. "Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations," EPA, May 25, 1988, revised January 11, 2000 (the Bluebook).

2. State Implementation Plans, General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990 (57 FR 13498; April 16, 1992).

3. "Guidance Document for Correcting Common VOC & Other Rule Deficiencies," EPA Region 9, August 21, 2001 (the Little Bluebook).

4. 40 CFR 59 Subpart C, National Volatile Organic Compound Emission Standards for Consumer Products.

B. Does the rule meet the evaluation criteria?

We believe this rule is consistent with the relevant policy and guidance regarding enforceability, and SIP relaxations. CARB's Consumer Products regulation contains more stringent limits and covers more than twice the number of categories covered by EPA's national Consumer Products rule. The TSD has more information on our evaluation.

C. Public Comment and Final Action

Because EPA believes the submitted rule fulfills all relevant requirements, we are proposing to fully approve it under section 110(k)(3) of the Act. We will accept comments from the public on this proposal for the next 30 days. Unless we receive convincing new information during the comment period, we intend to publish a final approval action that will incorporate this rule into the federally enforceable SIP.

III. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve State choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide EPA with the discretionary authority to address, as

appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the State, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: November 3, 2010.

Jared Blumenfeld,

Regional Administrator, Region IX.

[FR Doc. 2010–28820 Filed 11–15–10; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Parts 192 and 195

[Docket ID PHMSA–2007–27954]

RIN 2137–AE64

Pipeline Safety: Control Room Management/Human Factors

AGENCY: Pipeline and Hazardous Materials Safety Administration, DOT.

ACTION: Notice of proposed rulemaking; Extension of comment period.

SUMMARY: On September 17, 2010, PHMSA published a Control Room Management/Human Factors notice of proposed rulemaking (NPRM) proposing to expedite the program implementation deadlines to August 1, 2011, for most of the requirements, except for certain provisions regarding adequate information and alarm management, which would have a program implementation deadline of August 1, 2012. PHMSA has received a request to extend the comment period in order to have more time to evaluate the NPRM. PHMSA has concurred in part with this request and has extended the comment period from November 16, 2010, to December 3, 2010.

DATES: The closing date for filing comments is extended from November 16, 2010, until December 3, 2010.

ADDRESSES: Comments should reference Docket No. PHMSA–2007–27954 and may be submitted in the following ways:

- *E-Gov Web site: http://www.regulations.gov.* This Web site allows the public to enter comments on any **Federal Register** notice issued by any agency. Follow the instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail:* DOT Docket Management System: U.S. DOT, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001.
- *Hand Delivery:* DOT Docket Management System; West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Instructions: You should identify the Docket No. PHMSA–2007–27954 at the beginning of your comments. If you submit your comments by mail, submit two copies. To receive confirmation that PHMSA received your comments, include a self-addressed stamped postcard. Internet users may submit comments at *http://www.regulations.gov*.

Note: Comments are posted without changes or edits to *http://www.regulations.gov*, including any personal information provided. There is a privacy statement published on *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: For further information contact Byron Coy at 609–989–2180 or by e-mail at *Byron.Coy@dot.gov*.

SUPPLEMENTARY INFORMATION: On September 17, 2010 (75 FR 56972), PHMSA published a NPRM proposing to expedite the program implementation deadlines of the Control Room Management/Human Factors rule at 49 CFR 192.631 and 195.446. The NPRM proposes to expedite the program implementation deadline from February 1, 2013, to August 1, 2011, for most of the requirements, except for certain provisions regarding adequate information and alarm management, which would have a program implementation deadline of August 1, 2012.

On November 4, 2010, the Interstate Natural Gas Association of America (INGAA) requested PHMSA to extend the NPRM comment period deadline from November 16, 2010, to December 20, 2010, to give INGAA's members the opportunity to ask questions about the rule and to engage in open discussions with the agency at PHMSA's Control Room Management Implementation workshop to be held on November 17, 2010, in Houston, Texas (75 FR 67450, November 2, 2010) prior to submitting comments. PHMSA planned this workshop to review several technical elements of the new regulations and to provide opportunities for attendees to ask questions about the rule and to engage in open discussions with PHMSA and each other.

PHMSA has concurred in part with INGAA's request and has extended the comment period from November 16, 2010, to December 3, 2010. This extension will provide sufficient time for commenters to submit comments after the workshop.

Issued in Washington, DC, on November 8, 2010.

Jeffrey D. Wiese,

Associate Administrator for Pipeline Safety.

[FR Doc. 2010–28714 Filed 11–15–10; 8:45 am]

BILLING CODE 4910–60–P

Notices

Federal Register
Vol. 75, No. 220
Tuesday, November 16, 2010

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

November 9, 2010.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Agricultural Marketing Service

Title: Generic Fruit Crops, Marketing Order Administration Branch.

OMB Control Number: 0581–0189.

Summary of Collection: Industries enter into a marketing order program under the Agricultural Marketing Agreement Act (AMAA) of 1937, as amended by U.S.C. 601–674. Marketing Order programs provide an opportunity for producers of fresh fruits, vegetables and specialty crops in specified production areas, to work together to solve marketing problems that cannot be solved individually. Order regulations help ensure adequate supplies of high quality product and adequate returns to producers. Under the market orders, producers and handlers are nominated by their respective peers and serve as representatives on their respective committees/boards.

Need and Use of the Information: The information collected is essential to provide the respondents the type of service they request. The committees and boards have developed forms as a means for persons to file required information relating to supplies, shipments, and dispositions of their respective commodities. The information is used only by the authorized committees employees and representatives of USDA including AMS, Fruit and Vegetable Programs' regional and headquarters' staff to administer the marketing order programs.

Description of Respondents: Business or other for-profit; Farms.

Number of Respondents: 16,493.

Frequency of Responses: Recordkeeping; Reporting; On occasion, Quarterly; Biennially; Weekly; Semi-annually; Monthly; Annually.

Total Burden Hours: 8,611.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. 2010–28813 Filed 11–15–10; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

November 9, 2010.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Animal Plant & Health Inspection Service

Title: Swine Health.

OMB Control Number: 0579–0137.

Summary of Collection: Under the Animal Health Protection Act (7 U.S.C. 8301 *et seq.*) the Animal and Plant

Health Inspection Service (APHIS) of the U.S. Department of Agriculture is authorized, among other things to prohibit or restrict the interstate movement of animals and animal products to prevent the dissemination within the United States of animal diseases and pests of livestock and to conduct programs to detect, control and eradicate pests and diseases of livestock. The regulations in 9 CFR part 71 contain requirements for the interstate movement of swine within a production system to prevent the spread of swine diseases and part 85 regulations regulates the interstate movement of swine to prevent the spread of the pseudorabies (PRV) virus. APHIS will collect information using several APHIS forms.

Need and Use of the Information: APHIS will collect information on the number of swine being moved in a particular shipment, the shipment's point of origin, the shipment's destination, and the reason for the interstate movement. The documents used to gather the necessary information include: (1) The Permit of Move Restricted Animals (VS Form 1–27), (2) the certificate of veterinary inspection, (3) an owner-shipper statement, (4) the accredited veterinarian's statement concerning embryos for implantation and semen shipments, (5) a swine production system health plan, (6) an interstate movement report and notification, and (7) the completion and recordkeeping of a Quarterly Report of Pseudorabies Control Eradication Activities (VS Form 7–1). The documents provide APHIS with critical information concerning a shipment's history, which in turn enables APHIS to engage in swift, successful trackback investigation when infected swine are discovered. PRV is further controlled through depopulation and indemnity using an Appraisal and Indemnity Claim Form (VS Form 1–23), herd management plan, movement permit and report of net salvage proceeds.

Description of Respondents: Business or other for-profit; State, Local or Tribal Government .

Number of Respondents: 7,670.

Frequency of Responses: Recordkeeping; Reporting: On occasion.

Total Burden Hours: 29,840.

Animal and Plant Health Inspection Service

Title: Interstate Movement of Certain Tortoises.

OMB Control Number: 0579–0156.

Summary of Collection: The Animal Health Protection Act (AHPA) of 2002 is the primary Federal law governing the protection of animal health. The law gives the Secretary of Agriculture broad authority to prevent, control, and eliminate domestic diseases such as tuberculosis, as well as to take actions to prevent and to manage exotic diseases such as heartwater disease. The regulations in 9 CFR part 93 prohibit the importation of the leopard tortoise, the African spurred tortoise, and the Bell's hingeback tortoise to prevent the introduction and spread of exotic ticks known to be vectors of heartwater disease, an acute, infectious disease of cattle and other ruminants. The regulations in 9 CFR part 74 prohibit the interstate movement of those tortoises that are already in the United States unless the tortoises are accompanied by a health certificate or certificate of veterinary inspection.

Need and Use of the Information: APHIS will collect information to ensure that the interstate movement of these leopard, African spurred, and Bell's hingeback tortoises poses no risk of spreading exotic ticks within the United States. Owners and veterinarians are required to provide the following information to Federal or accredited veterinarians for completion of the health certificate: Name, address, and telephone number of the owner; information identifying the animal such as collar or tattoo number; breed; age; sex; color; distinctive marks; vaccination history; and certifications from both the owner and the veterinarian that all information is true and accurate. The collected information is used for the purposes of identifying each specific tortoise and documenting the State of its health so that the animals can be transported across State and national boundaries. If the information is not collected APHIS would be forced to continue their complete ban on the interstate movement of leopard, African spurred, and Bell's hingeback tortoises, a situation that could prove economically disastrous for a number of U.S. tortoises breeders.

Description of Respondents: Individuals or households; Business or other for-profit.

Number of Respondents: 50.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 1,000.

Animal and Plant Health Inspection Service

Title: Sheep 2011 Study.

OMB Control Number: 0579–0188.

Summary of Collection: The Department of Agriculture is responsible for protecting the health of our Nation's livestock and poultry populations by preventing the introduction and interstate spread of contagious, infectious, or communicable diseases of livestock and poultry and for eradicating such diseases from the United States when feasible. In connection with this mission, the Animal and Plant Health Inspection Service (APHIS) operates the National Health Monitoring System (NAHMS), which collects, on a national basis, statistically valid and scientifically sound data on the prevalence and economic importance of livestock and poultry diseases. NAHMS will conduct the second national data collection for sheep through a national study, Sheep 2011. The study will take place in 22 States, which represents 88.8 percent of the U.S. sheep population. Collection and dissemination of animal and poultry health information is mandated by 7 U.S.C. 8301, The Animal Health Protection Act of 2002.

Need and Use of the Information: APHIS will collect information using several forms. APHIS will use the data collected to: (1) Describe trends in sheep health and management practices from 1996 to 2011, (2) describe management and biosecurity practices used to control common infectious diseases, including scrapie, ovine progressive pneumonia, Johne's disease, and caseous lymphadenitis, (3) estimate the prevalence of gastrointestinal parasites and anthelmintic resistance, and other diseases in domestic sheep flocks, (4) facilitate the collection of information and samples regarding causes of abortion storms in sheep, (5) determine producer awareness of the zoonotic potential of contagious ecthyma and the management practices used to prevent transmission of the disease, and (6) provide serum to include in the seriological bank for future research. Without the data, the U.S.' ability to detect trends in management, production, and health status that increase/decrease farm economy, either directly or indirectly, would be reduced or nonexistent.

Description of Respondents: Business or other for-profit.

Number of Respondents: 5,500.

Frequency of Responses: Reporting: Other (one time).

Total Burden Hours: 9,356.

Animal and Plant Health Inspection Service

Title: Citrus Canker; Interstate Movement of Regulated Nursery Stock and Fruit from Quarantined Areas.

OMB Control Number: 0579–0317.

Summary of Collection: Under the Plant Protection Act (7 U.S.C. 7701 et seq.) the Secretary of Agriculture, either independently or in cooperation with the States, is authorized to carry out

operations or measures to detect, eradicate, suppress, control, prevent, or retard the spread of plant pests (such as citrus canker) new to or widely distributed throughout the United States. The Animal and Plant Health Inspection Service (APHIS) has regulations in place to prevent the interstate spread of citrus canker. These regulations, contained in 7 CFR 301.75–1 through 301.75–17, restrict the interstate movement of regulated articles from and through areas quarantined because of citrus canker. APHIS amended the citrus canker quarantine regulations to prohibit the interstate movement of regulated nursery stock from a quarantined area. The interstate movement of nursery stock from an area quarantined for citrus canker poses an extremely high risk of spreading citrus canker outside the quarantined area.

Need and Use of the Information: APHIS will collect information through cooperative agreements, certificates and limited permits. Failure to collect this information could cause a severe economic loss to the citrus industry.

Description of Respondents: Business or other for-profit.

Number of Respondents: 338.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 875.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2010–28827 Filed 11–15–10; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

November 9, 2010.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8958.

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Title: Food Aid Request Entry System (FARES).

OMB Control Number: 0560–0225.

Summary of Collection: The Agricultural Trade Development and Assistance Act of 1954, as amended (Title II, Pub. L. 480), Section 416(b) of the Agricultural Act of 1949, as amended, (Section 416(b)), Food for Progress Act of 1985, as amended (Food for Progress), and the International School Lunch Program, known as the Global Food for Education and Child Nutrition Act, authorizes Commodity Credit Corporation Export Operations Division and Bulk Commodities Division to procure, sell, transport agricultural commodities and obtain discharge/delivery survey information. Commodities are delivered to foreign countries through voluntary agencies, United Nations World Food Program, the Foreign Agricultural Service, and the Agency for International Development. The program information will be electronically captured, requirements validated, and improved commodity request visibility will be provided via FARES Web-based application technology tool. The FARES is for the customers to submit online to process the commodity request electronically and to access the information.

Need and Use of the Information: The Farm Service Agency will collect the following information from FARES: The name of the Private Voluntary Organization, the program, the types of commodities being requested for export, quantities of commodities, destinations of commodities, and special requirements for packaging. Without this information collection process, the Kansas City Commodity Office would not be able to meet the program requirements.

Description of Respondents: Not-for-profit institutions; Business or other-for-profit; Federal Government.

Number of Respondents: 305.

Frequency of Responses: Reporting: Other (bi-weekly/bi-monthly).

Total Burden Hours: 1,708.

Farm Service Agency

Title: (7 CFR Part 767), Farm Loan Program—Inventory Property Management.

OMB Control Number: 0560–0234.

Summary of Collection: The Farm Loan Program provides supervised credit in the form of loans to family farmers to purchase real estate and equipment and finance agricultural production. Authority to establish the regulatory requirements contained in 7 CFR 767 is provided under section 302 of the Act (7 U.S.C. 1922) which provides that "the Secretary is authorized to make and insure under this title to farmers * * *" Section 339 of the Act (7 U.S.C. 1989) further provides that "the Secretary is authorized to make such rules and regulations, prescribe the terms and conditions for making * * * loans, security instruments and agreements, except as otherwise specified herein, and to make such delegations of authority as he deems necessary to carry out this title."

Need and Use of the Information: Information collections are submitted by applicants to the local agency office serving the country in which their business is headquartered. The information is necessary to thoroughly evaluate an applicant's request to purchase inventory property and is used by the agency to determine an applicant's eligibility to lease or purchase inventory property and to ensure payment of the lease or purchase amount.

Description of Respondents: Business or other for-profit.

Number of Respondents: 280.

Frequency of Responses: Reporting: Annually; Other (upon request).

Total Burden Hours: 432.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2010–28807 Filed 11–15–10; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

Notice of Intent To Grant Exclusive License

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice of intent.

SUMMARY: Notice is hereby given that the U.S. Department of Agriculture, Agricultural Research Service, intends to grant to KamTec, LLC of Lincoln, Nebraska, an exclusive license to U.S. Patent No. 5,710,099, "Bioactive Compounds," issued on January 20, 1998 and U.S. Patent No. 5,854,178, "Bioactive Compounds," issued on December 29, 1998.

DATES: Comments must be received on or before December 16, 2010.

ADDRESSES: Send comments to: USDA, ARS, Office of Technology Transfer, 5601 Sunnyside Avenue, Rm. 4–1174, Beltsville, Maryland 20705–5131.

FOR FURTHER INFORMATION CONTACT: June Blalock of the Office of Technology Transfer at the Beltsville address given above; telephone: 301–504–5989.

SUPPLEMENTARY INFORMATION: The Federal Government's patent rights in these inventions are assigned to the United States of America, as represented by the Secretary of Agriculture. It is in the public interest to so license these inventions as KamTec, LLC of Lincoln, Nebraska has submitted a complete and sufficient application for a license. The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within thirty (30) days from the date of this published Notice, the Agricultural Research Service receives written evidence and argument which establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Richard J. Brenner,

Assistant Administrator.

[FR Doc. 2010–28826 Filed 11–15–10; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

Notice of Intent To Grant Exclusive License

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice of intent.

SUMMARY: Notice is hereby given that the U.S. Department of Agriculture, Agricultural Research Service, intends to grant to American Packaging Corporation of Rochester, New York, an exclusive license to U.S. Patent No. 7,387,205, "Packaging System for Preserving Perishable Items", issued on June 17, 2008.

DATES: Comments must be received on or before December 16, 2010.

ADDRESSES: Send comments to: USDA, ARS, Office of Technology Transfer, 5601 Sunnyside Avenue, Rm. 4–1174, Beltsville, Maryland 20705–5131.

FOR FURTHER INFORMATION CONTACT: June Blalock of the Office of Technology Transfer at the Beltsville address given above; *telephone:* 301–504–5989.

SUPPLEMENTARY INFORMATION: The Federal Government's patent rights in this invention are assigned to the United States of America, as represented by the Secretary of Agriculture. It is in the public interest to so license this invention as American Packaging Corporation of Rochester, New York has submitted a complete and sufficient application for a license. The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within thirty (30) days from the date of this published Notice, the Agricultural Research Service receives written evidence and argument which establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Richard J. Brenner,

Assistant Administrator.

[FR Doc. 2010–28809 Filed 11–15–10; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF AGRICULTURE

Forest Service

Southern New Mexico Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Southern New Mexico Resource Advisory Committee (RAC) will meet in Socorro, New Mexico. The committee is meeting as authorized under the Secure Rural Schools and Community Self-Determination Act (Pub. L. 110–343) and in compliance with the Federal Advisory Committee Act. The purpose of the meeting is to review project proposals to be implemented in 2011; and creation of a news release to solicit for project proposals in January 2011.

DATES: The meeting will be held December 1, 2010, 10 a.m.; and December 2, 8 a.m.

ADDRESSES: The meeting will be held at 198 Neel Avenue, Socorro County Annex Building, Socorro, New Mexico. Written comments should be sent to Mr. Al Koss, HC 68, Box 50, Mimbres, NM 88049–9301. Comments may also be sent via e-mail to *akoss@fs.fed.us,* or via facsimile to 575–536–2242.

All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the Wilderness Ranger District, HC 68, Box 50, Mimbres, NM 88049–9301. Visitors are encouraged to call ahead to 575–536–2250 to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Mr. Al Koss, Designated Federal Official, 575–536–2250 or *akoss@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The meeting is open to the public. The following business will be conducted: (1) Review of project proposals for implementation in 2011; (2) create a news release that will solicit project proposals in January 2011; and (3) Public Comment. Persons who wish to bring related matters to the attention of the Committee may file written statements with the Committee staff before or after the meeting. Public input sessions will be provided and individuals who made written requests by November 24 will have the opportunity to address the Comittee at those sessions.

Dated: November 9, 2010.

Alan E. Koss,

Designated Federal Official.

[FR Doc. 2010–28790 Filed 11–15–10; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–351–840]

Certain Orange Juice From Brazil; Notice of Extension of Time Limits for Preliminary Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

DATES: *Effective Date:* November 16, 2010.

FOR FURTHER INFORMATION CONTACT: Blaine Wiltse or Hector Rodriguez, AD/CVD Operations, Office 2, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–6345 or (202) 482–0629, respectively.

SUPPLEMENTARY INFORMATION:

Background

On April 27, 2010, the Department of Commerce (the Department) published a notice of initiation of administrative review of the antidumping duty order on certain orange juice from Brazil. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part,* 75 FR 22107 (Apr. 27, 2010). The period of review is March 1, 2009, through February 28, 2010, and the preliminary results are currently due no later than December 1, 2010. The review covers four producers/exporters of the subject merchandise to the United States.

Extension of Time Limit for Preliminary Results

Pursuant to section 751(a)(3)(A) of Tariff Act of 1930, as amended (the Act), the Department shall make a preliminary determination in an administrative review of an antidumping order within 245 days after the last day of the anniversary month of the date of publication of the order. Section 751(a)(3)(A) of the Act further provides, however, that the Department may extend the 245-day period up to 365 days if it determines it is not practicable to complete the review within the foregoing time period. We determine that it is not practicable to complete this administrative review within the time limits mandated by section 751(a)(3)(A) of the Act because we require more time to issue supplemental questionnaires to certain of the respondents and analyze their responses. Therefore, we have fully extended the deadline for completing the preliminary results until March 31, 2011. The deadline for the final results of the review continues to be 120 days after the publication of the preliminary results.

This extension notice is published in accordance with sections 751(a)(3)(A) and 777(i) of the Act.

Dated: November 9, 2010.

Susan H. Kuhbach,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2010–28840 Filed 11–15–10; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No.101101550–0550–01; I.D. GF001]

New NOAA Cooperative Institutes (CIs): (1) A Cooperative Institute To Improve Mesoscale and Stormscale High Impact Weather Forecasts, Watches, and Warnings Through the Use of, and Enhancement of, Weather Radar and (2) A Cooperative Institute To Support NOAA Northwest Research Facilities in the Area of Marine Resources

AGENCY: Oceanic and Atmospheric Research (OAR), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Notice of funding availability.

SUMMARY: The NOAA Office of Oceanic and Atmospheric Research (OAR) and the National Marine Fisheries Service (NMFS) invite applications for: (1) A cooperative institute (CI) to improve mesoscale and stormscale high impact weather forecasts, watches, and warnings through the use of, and enhancement of, weather radar and (2) a CI to support NOAA research facilities in the northwest U.S. in the area of marine resources. Applicants should review the CI Interim Handbook prior to preparing a proposal for this announcement (*http://www.nrc.noaa.gov/ci*).

DATES: Proposals must be received by OAR no later than February 11, 2011, 5 p.m., E.T. For applications submitted through Grants.gov, a date and time receipt indication will form the basis for determining timeliness. Proposals must be validated by Grants.gov in order to be considered timely. For those applicants who do not have access to the Internet, one signed original and two hard copy applications must be received by NOAA at the following address: NOAA/OAR, Attn: Dr. John Cortinas, 1315 East West Highway, Room 11326, Silver Spring, Maryland 20910. Use of U.S. mail or another delivery service must be documented with a receipt. No facsimile or electronic mail proposal submissions will be accepted. Proposals submitted after 5 p.m., E.T., February 11, 2011 will not be considered. (Note that late-arriving hard copy proposals provided to a delivery service on or before 5 p.m., E.T., February 11, 2011 will be accepted for review if the applicants can document that the proposals were provided to the guaranteed delivery service by the specified closing date and time and if the proposals are received by OAR no later than 5 p.m., two business days following the closing date.) October 1, 2011 should be used as the proposed start date on proposals.

ADDRESSES: The standard application package is available at *http://www.grants.gov.* For applicants without Internet access, an application package may be secured by contacting Dr. John Cortinas, 1315 East West Highway, Room 11326, Silver Spring, Maryland 20910; telephone (301) 734–1090.

FOR FURTHER INFORMATION CONTACT: Dr. John Cortinas, 1315 East-West Highway, Room 11326, Silver Spring, Maryland 20910; telephone (301) 734–1090; E-mail: *John.Cortinas@noaa.gov.*

Request for Applications

The NOAA Office of Oceanic and Atmospheric Research (OAR) and the National Marine Fisheries Service (NMFS) invites applications for two cooperative institutes: (1) CI to improve mesoscale and stormscale high impact weather forecasts, watches, and warnings through the use of, and enhancement of, weather radar and (2) a CI to support NOAA research facilities in the northwest U.S. in the area of marine resources.

Generally, a CI is a NOAA-supported, non-Federal organization that has established an outstanding research program in one or more areas that are relevant to the NOAA mission "to understand and predict changes in the Earth's environment and conserve and manage coastal and marine resources to meet our Nation's economic, social, and environmental needs." CIs are established at research institutions with outstanding graduate degree programs in NOAA-related sciences. CIs provide significant coordination of resources among all non-government partners and promote the involvement of students and post-doctoral scientists in NOAA-funded research.

NOAA establishes a new CI competitively when it identifies a need to sponsor a long-term (5–10 years) collaborative partnership with one or more outstanding non-Federal, non-profit research institutions. For NOAA, the purpose of this long-term collaborative partnership is to promote research, education, training, and outreach aligned with NOAA's mission; to obtain research capabilities that do not exist internally; and/or to expand research capacity in NOAA-related sciences to:

- Conduct collaborative, long-term research that involves NOAA scientists and those at the research institution(s) from one or more scientific disciplines of interest to NOAA;
- Utilize the scientific, education, and outreach expertise at the research institution(s) that, depending on NOAA's research needs, may or may not be located near a NOAA facility;
- Support student participation in NOAA-related research studies; and
- Strengthen or expand NOAA-related research capabilities and capacity at the research institution(s) that complements and contributes to NOAA's ability to reach its mission goals.

A CI may also partner with one or more research institutions that demonstrate outstanding performance within one or more established research programs in NOAA-related sciences, including Minority Serving Institutions that can contribute to the proposed activities of the CI. CIs conduct research under approved scientific research themes and Tasks (additional tasks can be proposed by the CI):

- Task I activities are related to the management of the CI, as well as general education and outreach activities. This task also includes support of postdoctoral and visiting scientists conducting activities within the research themes of the CI that are approved by the CI Director, in consultation with NOAA, and are relevant to NOAA and the CI's mission goals;
- Task II activities usually involve on-going direct collaboration with NOAA scientists. This collaboration typically is fostered by the collocation of Federal and CI employees; and
- Task III activities require minimal collaboration with NOAA scientists.

Generally, applications must include all relevant Federal Standard Forms, a project description that includes sufficient information to address all the evaluation criteria identified in the FFO announcement, a budget, and a budget justification. The project description must include a thorough explanation of all themes and Tasks. The application should also identify the capability and the capacity of the CI to conduct research in the themes described in the FFO announcement, as well as a summary of clearly stated goals to be achieved, reflecting NOAA's strategic goals and vision. Additional elements may also be requested. Applicants are directed to the FFO for all application information and requirements.

A Cooperative Institute To Improve Mesoscale and Stormscale High Impact Weather Forecasts, Watches, and Warnings Through the use of, and Enhancement of, Weather Radar

The CI will focus on the themes of: (1) Weather radar research and development, (2) stormscale and mesoscale modeling research and development, (3) forecast improvements research and development, (4) impacts of climate change related to extreme weather events, and (5) social and socioeconomic impacts of high impact weather systems. The CI will be established at a research institution not only having outstanding graduate degree programs in NOAA-related sciences, but also located within a commuting distance to NOAA's facilities in Norman, Oklahoma that provides for direct interactions on a regular basis. The CI will provide significant coordination of resources among all non-governmental partners and will promote the involvement of students and post-doctoral scientists in NOAA-funded research. If the CI is comprised of multiple member institutions, only the lead institution applying for the award and where the CI will be established must satisfy the commuting distance requirement.

Funding Availibility: All funding is contingent upon the availability of appropriations. NOAA anticipates that up to approximately $15M will be available annually for this CI. Of that amount, approximately $300,000–$400,000 will be available per year for Task I. The final amount of funding available for Task I will be determined during the negotiation phase of the award based on availability of funding. The actual amount of annual funding that the CI receives may be more or less than the anticipated amount and will depend on the actual projects that are approved by NOAA, the availability of funding, the quality of the research, the satisfactory progress in achieving the stated goals described in project proposals, and continued relevance to program objectives.

A Cooperative Institute To Support NOAA Northwest Research Facilities in the Area of Marine Resources

The CI to support NOAA research facilities in the northwest U.S. in the area of marine resources will focus on the themes of: (1) Seafloor processes, (2) marine mammal acoustics, (3) marine ecosystems, and (4) protection and restoration of marine resources. The CI will be established at a research institution not only having outstanding graduate degree programs in NOAA-related sciences, but also located within a commuting distance that allows direct interactions with CI and NOAA scientists at NOAA's Pacific Marine Environmental Laboratory, Northwest Fisheries Science Center, and Alaska Fisheries Science Center offices in Newport, Oregon, on a regular basis. The CI will provide significant coordination of resources among all non-governmental partners and will promote the involvement of students and post-doctoral scientists in NOAA-funded research. If the CI is comprised of multiple member institutions, only the lead institution applying for the award and where the CI will be established must satisfy the commuting distance requirement. This announcement provides requirements for the proposed CI and includes details for the technical program, evaluation criteria, and competitive selection procedures.

Funding Availibility: All funding is contingent upon the availability of appropriations. NOAA anticipates that up to approximately $7M will be available annually for this CI. Of that amount, approximately $100,000 will be available per year for Task I. The final amount of funding available for Task I will be determined during the negotiation phase of the award and will be based on availability of funding. The actual annual funding that the CI receives may be less than the anticipated amount and will depend on the actual projects that are approved by NOAA, the availability of funding, the quality of the research, the satisfactory progress in achieving the stated goals described in project proposals, and continued relevance to program objectives.

SUPPLEMENTARY INFORMATION:

Electronic Access: The full text of the FFO announcement for this program can be accessed via the Grants.gov Web site at *http://www.grants.gov.* The announcement will also be available by contacting the program officials identified under **FOR FURTHER INFORMATION CONTACT**. Applicants must comply with all requirements contained

in the full funding opportunity announcement.

Proposals must include elements requested in the full Federal Funding Opportunity announcement on the Grants.gov portal. If a hard copy application is submitted, NOAA requests that the original and two unbound copies of the proposal be included. Proposals, electronic or paper, should be no more than 75 pages (numbered) in length, excluding budget, investigators, vitae, and all appendices. Federally mandated forms are not included within the page count. Facsimile transmissions and electronic mail submission of full proposals will not be accepted.

Statutory Authorities: 15 U.S.C. 1540, 15 U.S.C. 313, 15 U.S.C. 2901 *et seq.,* 118 STAT. 71 (January 23, 2004).

Eligibility: Eligibility is limited to public and private non-profit universities, colleges and research institutions that offer accredited graduate level degree-granting programs in NOAA-related sciences and that are within a commuting distance that provides for direct contact on a regular basis with scientists at the NOAA facilities in Norman, OK. If the proposed CI is comprised of multiple member institutions, only the lead institution applying for the award (and where the CI will be established) must satisfy the commuting distance requirement.

Cost Sharing Requirements: To stress the collaborative nature and investment of a CI by both NOAA and the research institution, cost sharing is required. There is no minimum cost sharing requirement; however, the amount of cost sharing will be considered when determining the level of the CI's commitment under NOAA's standard evaluation criteria for overall qualifications of applicants. Acceptable cost-sharing proposals include, but are not limited to, offering a reduced indirect cost rate against activities in one or more Tasks, waiver of any indirect costs assessed by the awardee on subawards, waiver of indirect costs assessed against base funds and/or Task I activities, waiver or reduction of any costs associated with the use of facilities at the CI, and full or partial salary funding for the CI director, administrative staff, graduate students, visiting scientists, or postdoctoral scientists.

Evaluation and Selection Procedures: The general evaluation criteria and selection factors that apply to full applications to this funding opportunity are summarized below. Further information about the evaluation criteria and selection factors can be found in the FFO announcement.

Evaluation Criteria for Projects: Proposals will be evaluated using the standard NOAA evaluation criteria. Various questions under each criterion are provided to ensure that the applicant includes information that NOAA will consider important during the evaluation, in addition to any other information provided by the applicant.

1. *Importance and/or relevance and applicability of proposed project to the program goals (25 percent):* This criterion ascertains whether there is intrinsic value in the proposed work and/or relevance to NOAA, regional, state, or local activities.

- Does the proposal include research goals and projects that address the critical issues identified in NOAA's 5-year Research Plan, NOAA's Strategic Plan, and the priorities described in the program priorities (see Section I.B.)?
- Is there a demonstrated commitment (in terms of resources and facilities) to enhance existing NOAA and CI resources to foster a long-term collaborative research environment/culture?
- Is there a strong education program with established graduate degree programs in NOAA-related sciences that also encourages student participation in NOAA-related research studies?

2. *Technical/scientific merit (30 percent):* This criterion assesses whether the approach is technically sound and/or innovative, if the methods are appropriate, and whether there are clear project goals and objectives.

- Does the project description include a summary of clearly stated goals to be achieved during the five year period that reflect NOAA's strategic plan and goals?
- Does the CI involve partnerships with other universities or research institutions, including Minority Serving Institutions and universities that can contribute to the proposed activities of the CI?

3. *Overall qualifications of applicants (30 percent):* This criterion ascertains whether the applicant possesses the necessary education, experience, training, facilities, and administrative resources to accomplish the project.

- If the institution(s) and/or Principal Investigators have received current or recent NOAA funding, is there a demonstrated record of outstanding performance working with NOAA and/or NOAA scientists on research projects?
- Is there nationally and/or internationally recognized expertise within the appropriate disciplines needed to conduct the collaborative/interdisciplinary research described in the proposal?
- Is there a well-developed business plan that includes fiscal and human resource management, as well as strategic planning and accountability?
- Are there any unique capabilities in a mission-critical area of research for NOAA?
- Has the applicant shown a substantial investment to the NOAA partnership, as demonstrated by the amount of the cost sharing contribution?

4. *Project costs (5 percent):* The budget is evaluated to determine if it is realistic and commensurate with the project needs and time-frame.

5. *Outreach and education (10 percent):* NOAA assesses whether this project provides a focused and effective education and outreach strategy regarding NOAA's mission to protect the Nation's natural resources.

Review and Selection Process: An initial administrative review/screening is conducted to determine compliance with requirements/completeness. All proposals will be evaluated and individually ranked in accordance with the assigned weights of the above-listed evaluation criteria by an independent peer review panel. At least three experts, who may be Federal or non-Federal, will be used in this process. If non-Federal experts participate in the review process, each expert will submit an individual merit review and there will be no consensus opinion. The merit reviewers' ratings are used to produce a rank order of the proposals. The Selecting Official selects proposals after considering the peer reviews and selection factors listed below. In making the final selections, the Selecting Official will award in rank order unless the proposal is justified to be selected out of rank order based upon one or more of the selection factors. The Selecting Official makes the final award recommendation to the Grants Officer authorized to obligate funds.

Selection Factors for Projects: The merit review ratings shall provide a rank order to the Selecting Official for final funding recommendations. The Selecting Official shall award in the rank order unless the proposal is justified to be selected out of rank order based upon one or more of the following factors:

1. Availability of funding.
2. Balance/distribution of funds:
(a) Geographically.
(b) By type of institutions.
(c) By type of partners.
(d) By research areas.
(e) By project types.

3. Whether this project duplicates other projects funded or considered for funding by NOAA or other agencies.

4. Program priorities and policy factors.

5. Applicant's prior award performance.

6. Partnerships and/or participation of targeted groups.

7. Adequacy of information necessary for NOAA staff to makea National Environmental Policy Act (NEPA) determination and draft necessary documentation before recommendations for funding are made to the Grants Officer.

Intergovernmental Review: Applications under this program are not subject to Executive Order 12372, "Intergovernmental Review of Programs."

Limitation of Liability: In no event will NOAA or the Department of Commerce be responsible for proposal preparation costs if these programs fail to receive funding or are cancelled because of other agency priorities. Publication of this announcement does not oblige NOAA to award any specific project or to obligate any available funds.

National Environmental Policy Act (NEPA): NOAA must analyze the potential environmental impacts, as required by the National Environmental Policy Act (NEPA), for applicant projects or proposals which are seeking NOAA federal funding opportunities. Detailed information on NOAA compliance with NEPA can be found at the following NOAA NEPA Web site: *http://www.nepa.noaa.gov/,* including our NOAA Administrative Order 216–6 for NEPA, *http://www.nepa.noaa.gov/NAO216_6.pdf,* and the Council on Environmental Quality implementation regulations, *http://ceq.hss.doe.gov/nepa/regs/ceq/toc_ceq.htm.*

Consequently, as part of an applicant's package, and under their description of their program activities, applicants are required to provide detailed information on the activities to be conducted, locations, sites, species and habitat to be affected, possible construction activities, and any environmental concerns that may exist (*e.g.,* the use and disposal of hazardous or toxic chemicals, introduction of non-indigenous species, impacts to endangered and threatened species, aquaculture projects, and impacts to coral reef systems). In addition to providing specific information that will serve as the basis for any required impact analyses, applicants may also be requested to assist NOAA in drafting of an environmental assessment, if NOAA determines an assessment is required. Applicants will also be required to cooperate with NOAA in identifying feasible measures to reduce or avoid any identified adverse environmental impacts of their proposal. The failure to do so shall be grounds for not selecting an application. In some cases if additional information is required after an application is selected, funds can be withheld by the Grants Officer under a special award condition requiring the recipient to submit additional environmental compliance information sufficient to enable NOAA to make an assessment on any impacts that a project may have on the environment.

The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements: The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements contained in the **Federal Register** notice of February 11, 2008 (73 FR 7696), are applicable to this solicitation.

Paperwork Reduction Act: This document contains collection-of-information requirements subject to the Paperwork Reduction Act (PRA). The use of Standard Forms 424, 424A, 424B, SF–LLL, and CD–346 has been approved by the Office of Management and Budget (OMB) under the respective control numbers 4040–0004, 0348–0044, 0348–0040, 0348–0046, and 0605–0001. Notwithstanding any other provision of law, no person is required to, nor shall a person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA unless that collection of information displays a currently valid OMB control number.

Executive Order 12866: This notice has been determined to be not significant for purposes of Executive Order 12866.

Executive Order 13132 (Federalism): It has been determined that this notice does not contain policies with implications as that term is defined in Executive Order 13132.

Administrative Procedure Act/Regulatory Flexibility Act: Prior notices and an opportunity for public comment are not required by the Administrative Procedure Act or any other law for rules concerning public property, loans, grants, benefits, and contracts (5 U.S.C. 553(a)(2)). Because notice and opportunity for comment are not required pursuant to 5 U.S.C. 553 or any other law, the analytical requirements for the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are inapplicable. Therefore, a regulatory flexibility analysis has not been prepared.

Dated: November 9, 2010.

Leon M. Cammen,

Acting, Chief Financial Officer, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration.

[FR Doc. 2010–28592 Filed 11–15–10; 8:45 am]

BILLING CODE 3510–KD–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

(NOAA) Science Advisory Board (SAB)

AGENCY: Office of Oceanic and Atmospheric Research (OAR), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of open meeting.

SUMMARY: The Science Advisory Board (SAB) was established by a Decision Memorandum dated September 25, 1997, and is the only Federal Advisory Committee with responsibility to advise the Under Secretary of Commerce for Oceans and Atmosphere on strategies for research, education, and application of science to operations and information services. SAB activities and advice provide necessary input to ensure that National Oceanic and Atmospheric Administration (NOAA) science programs are of the highest quality and provide optimal support to resource management.

Time and Date: The meeting will be held Tuesday, November 30, 2010, from 8:30 a.m. to 5:45 p.m. and Wednesday, December 1, 2010, from 8 a.m. to 3:30 p.m. These times and the agenda topics described below are subject to change. Please refer to the Web page *http://www.sab.noaa.gov/Meetings/meetings.html* for the most up-to-date meeting agenda.

Place: The meeting will be held both days at Dupont Hotel, 1500 New Hampshire Ave., NW., Washington, DC 20036, Phone: (202) 483 6000.

Please check the SAB Web site *http://www.sab.noaa.gov* for confirmation of the venue and for directions.

Status: The meeting will be open to public participation with a 30-minute public comment period on November 30 at 5:15 p.m. (check Web site to confirm time). The SAB expects that public statements presented at its meetings will not be repetitive of previously submitted verbal or written statements. In general, each individual or group making a verbal presentation will be limited to a total time of five (5) minutes. Written comments should be received in the SAB Executive Director's

Office by November 19, 2010 to provide sufficient time for SAB review. Written comments received by the SAB Executive Director after November 19, 2010, will be distributed to the SAB, but may not be reviewed prior to the meeting date. Seats will be available on a first-come, first-served basis.

Matters to be Considered: The meeting will include the following topics: (1) NOAA Overview, Background and Introduction to the Climate Service, including Responses to the Reviews and Reports from the SAB Climate Working Group; (2) Strategic Framework for the Climate Service; (3) Report on the Climate Service Study by the National Academy of Public Administration; (4) The Plan for NOAA Reorganization to Form the Climate Service and Strengthen Science; (5) The Future of NOAA Oceanic and Atmospheric Research; (6) NOAA Response to the Ecosystem Science and Management Working Group Recommendations on the Ocean Color Satellite Continuity Mitigation Study; (8) NOAA Response to the Ecosystem Sciences and Management Working Group Recommendations on the NOAA Coastal Strategy Initiative; (9) Report on the Review of the Cooperative Institute for Limnology and Ecosystems Research (CILER); (10) NOAA Cooperative Institutes: New CIs and New Models for CIs; (11) NOAA Education Programs: Results of the National Academy of Sciences Report; (12) NOAA Educational Partnership Program Cooperative Science Centers; (13) Update of the SAB Working Group Subcommittee and (14) Updates from SAB Working Groups.

FOR FURTHER INFORMATION CONTACT: Dr. Cynthia Decker, Executive Director, Science Advisory Board, NOAA, Rm. 11230, 1315 East-West Highway, Silver Spring, Maryland 20910. Phone: 301–734–1156, Fax: 301–713–1459, E-mail: *Cynthia.Decker@noaa.gov;* or visit the NOAA SAB Web site at *http://www.sab.noaa.gov*.

Dated: November 9, 2010.

Leon M. Cammen,

Acting Chief Financial Officer, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration.

[FR Doc. 2010–28594 Filed 11–15–10; 8:45 am]

BILLING CODE 3510–KD–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XA027

Gulf of Mexico Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meetings.

SUMMARY: The Gulf of Mexico Fishery Management Council will convene a public meeting of the Texas Habitat Protection Advisory Panel (AP).

DATES: The meeting will convene at 9 a.m. on Wednesday, December 8, 2010 and conclude no later than 4 p.m.

ADDRESSES: This meeting will be held at the Hampton Inn & Suites Houston-Clear Lake-NASA, 506 West Bay Area Blvd., Webster, TX 77598; telephone: (281) 332–7952.

Council Address: Gulf of Mexico Fishery Management Council, 2203 North Lois Avenue, Suite 1100, Tampa, FL 33607.

FOR FURTHER INFORMATION CONTACT: Jeff Rester, Habitat Support Specialist, Gulf States Marine Fisheries Commission; telephone: (228) 875–5912.

SUPPLEMENTARY INFORMATION: At this meeting, the Advisory Panel will tentatively discuss the Long Term Recovery Plan After the Deepwater Horizon Oil Spill, the National Ocean Policy Task Force, West Galveston Bay wetland restoration projects, the Deepwater Horizon oil spill, the National Resource Damage Assessment process, the Gulf of Mexico Alliance Regional Sediment Management Plan, and the Essential Fish Habitat 5-Year Review Report.

The Texas group is part of a three unit Habitat Protection Advisory Panel (AP) of the Gulf of Mexico Fishery Management Council. The principal role of the advisory panels is to assist the Council in attempting to maintain optimum conditions within the habitat and ecosystems supporting the marine resources of the Gulf of Mexico. Advisory panels serve as a first alert system to call to the Council's attention proposed projects being developed and other activities that may adversely impact the Gulf marine fisheries and their supporting ecosystems. The panels may also provide advice to the Council on its policies and procedures for addressing environmental affairs.

Although other issues not on the agenda may come before the panel for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal panel action during this meeting. Panel action will be restricted to those issues specifically identified in the agenda listed as available by this notice.

A copy of the agenda can be obtained by calling (813) 348–1630.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Tina O'Hern at the Council (*see* **ADDRESSES**) at least 5 working days prior to the meeting.

Dated: November 9, 2010.

Tracey L. Thompson,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2010–28703 Filed 11–15–10; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No. PTO–T–2010–0085]

Trademark Manual of Examining Procedure, Seventh Edition

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Notice.

SUMMARY: The United States Patent and Trademark Office ("USPTO") issued the seventh edition of the *Trademark Manual of Examining Procedure* ("TMEP"), and made available archived copies of the fourth, fifth, and sixth editions, on October 15, 2010.

ADDRESSES: The USPTO prefers that any suggestions for improving the form and content of the TMEP be submitted via electronic mail message to *tmtmep@uspto.gov.* Written comments may also be submitted by mail addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313–1451, marked to the attention of Editor, *Trademark Manual of Examining Procedure,* or by hand delivery to the Trademark Assistance Center, Concourse Level, James Madison Building-East Wing, 600 Dulany Street, Alexandria, Virginia, marked to the attention of Editor, *Trademark Manual of Examining Procedure.*

FOR FURTHER INFORMATION CONTACT: Catherine P. Cain, Office of the Deputy Commissioner for Trademark Examination Policy, by electronic mail at: *catherine.cain@uspto.gov;* or by mail

addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313–1451, marked to the attention of Catherine P. Cain.

SUPPLEMENTARY INFORMATION: On October 15, 2010, the USPTO issued the seventh edition of the TMEP, which provides USPTO trademark examining attorneys, trademark applicants, and attorneys and representatives for trademark applicants with a reference on the practices and procedures for prosecution of applications to register marks in the USPTO. The TMEP contains guidelines for examining attorneys and materials in the nature of information and interpretation, and outlines the procedures which examining attorneys are required or authorized to follow in the examination of trademark applications.

The seventh edition incorporates USPTO trademark practice and relevant case law reported prior to September 1, 2010. The policies stated in this revision supersede any previous policies stated in prior editions, examination guides, or any other statement of USPTO policy, to the extent that there is any conflict. The seventh edition may be viewed or downloaded free of charge from the USPTO Web site at *http://tess2.uspto.gov/tmdb/tmep/.*

The USPTO also made archived copies of the fourth, fifth, and sixth editions of the TMEP available on October 15, 2010. Links to these older editions are on the USPTO Web site at *http://www.uspto.gov/trademarks/resources/TMEP_archives.jsp.*

Dated: November 5, 2010.

David J. Kappos,

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. 2010–28810 Filed 11–15–10; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal Nos. 10–50]

36(b)(1) Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. B. English, DSCA/DBO/CFM, (703) 601–3740.

SUPPLEMENTARY INFORMATION: The following is a copy of a letter to the Speaker of the House of Representatives, Transmittals 10–50 with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: November 9, 2010.

Morgan F. Park,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

OCT 26 2010

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
Washington, DC 20515

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 10-50, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Australia for defense articles and services estimated to cost $46 million. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

Richard A. Genaille, Jr.
Deputy Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

Transmittal No. 10-50

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Australia

(ii) Total Estimated Value:

Major Defense Equipment*	$ 40 million
Other	$ 6 million
TOTAL	$ 46 million

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase: 17 SM-2 Block IIIB STANDARD Warhead Compatible Telemetry missiles, including AN/DKT-71 Telemeters and assembly kits, spare and repair parts, technical data and publications, personnel training and training equipment, U.S. government and contractor engineering, technical and logistics support services, and other related elements of logistics support.

(iv) Military Department: Navy (AYR)

(v) Prior Related Cases, if any:
FMS case LCY-$183M-31May05
FMS case LDA-$11M-24Mar06

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Annex attached

(viii) Date Report Delivered to Congress: OCT 26 2010

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Australia – SM-2 Block IIIB STANDARD Missiles

The Government of Australia has requested a possible sale of 17 SM-2 Block IIIB STANDARD Warhead Compatible Telemetry missiles, including AN/DKT-71 Telemeters and assembly kits, spare and repair parts, technical data and publications, personnel training and training equipment, U.S. government and contractor engineering, technical and logistics support services, and other related elements of logistics support. The estimated cost is $46 million.

Australia is one of our most important allies in the Western Pacific and contributes significantly to ensuring peace and economic stability in the region. Australia's efforts in peacekeeping and humanitarian operations in Iraq and in Afghanistan have served U.S. national security interests. This proposed sale is consistent with those objectives and facilitates burden sharing with our allies.

The proposed sale of SM-2 Block IIIB STANDARD missiles will be used for anti-air warfare test firings during Combat Systems Ship Qualification Trials for the Royal Australian Navy's three new Air Warfare Destroyers, currently under construction. Australia, which has already integrated the SM-2 Block IIIA, will have no difficulty absorbing these missiles into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime contractors will be Raytheon Missile Systems Company in Tucson, Arizona, The Raytheon Company in Camden, Arkansas. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of U.S. Government or contractor representatives to Australia.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 10-50

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act

Annex
Item No. vii

(vii) Sensitivity of Technology:

1. The possible sale of SM-2 Block IIIB STANDARD missiles will result in the transfer of sensitive technology and information as well as classified and unclassified defense equipment and technical data. The STANDARD missile hardware guidance section is classified Confidential and the target detection device is classified Confidential. The warhead, rocket motor, steering control section, safe and arming device, auto-pilot battery unit, and telemeter are Unclassified. Certain operating frequencies and performance characteristics are classified Secret. Confidential documentation to be provided includes: parametric documents, general performance data, firing guidance, kinematics information, Intermediate Maintenance Activity (IMA)-level maintenance, and flight analysis procedures.

2. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures which might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

[FR Doc. 2010–28768 Filed 11–15–10; 8:45 am]
BILLING CODE 5001–06–C

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal Nos. 10–52]

36(b)(1) Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. B. English, DSCA/DBO/CFM, (703) 601–3740.

SUPPLEMENTARY INFORMATION: The following is a copy of a letter to the Speaker of the House of Representatives, Transmittals 10–52 with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: November 9, 2010.

Morgan F. Park,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

NOV 0 3 2010

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
Washington, DC 20515

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 10-52, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to the United Arab Emirates for defense articles and services estimated to cost $5.0 billion. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

Richard A. Genaille, Jr.

Richard A. Genaille, Jr.
Deputy Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology
4. Regional Balance (Classified Document Provided under Separate Cover)

Transmittal No. 10-52

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act

(i) Prospective Purchaser: United Arab Emirates

(ii) Total Estimated Value:

Major Defense Equipment*	$4.0 billion
Other	$1.0 billion
TOTAL	$5.0 billion

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase: remanufacture of 30 AH-64D Block II lot 10 APACHE helicopters to the AH-64D Block III configuration, 30 AH-64D Block III APACHE helicopters, 120 T700-GE-701D engines, 76 Modernized Target Acquisition and Designation Sight/Modernized Pilot Night Vision Sensors, 70 AN/APG-78 Fire Control Radars with Radar Electronics Units, 70 AN/ALQ-144A(V)3 Infrared Jammers, 70 AN/APR-39A(V)4 Radar Signal Detecting Sets, 70 AN/ALQ-136(V)5 Radar Jammers, 70 AAR-57(V)3/5 Common Missile Warning Systems, 30mm automatic weapons, improved counter measure dispensers, communication and support equipment, improved helmet display sight systems, trainer upgrades, spare and repair parts, publications and technical documentation, personnel training and training equipment, U.S. Government and contractor engineering and logistics support services, and other related elements of logistics support.

(iv) Military Department: Army (SUC)

(v) Prior Related Cases, if any:
FMS case JAH-$404M-11Dec91
FMS case UDE-$195M-5Jan00
FMS case UDN-$755M-5Dec05
FMS case ZUL-$253M-21Oct09

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex

(viii) Date Report Delivered to Congress: 3 November 2010

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

United Arab Emirates – AH-64D Block III APACHE Helicopters

The Government of the United Arab Emirates (UAE) has requested a possible sale of 30 AH-64D Block II lot 10 APACHE helicopters, remanufactured to AH-64D Block III configuration, 30 AH-64D Block III APACHE helicopters, 120 T700-GE-701D engines, 76 Modernized Target Acquisition and Designation Sight/Modernized Pilot Night Vision Sensors, 70 AN/APG-78 Fire Control Radars with Radar Electronics Units, 70 AN/ALQ-144A(V)3 Infrared Jammers, 70 AN/APR-39A(V)4 Radar Signal Detecting Sets, 70 AN/ALQ-136(V)5 Radar Jammers, 70 AAR-57(V)3/5 Common Missile Warning Systems, 30mm automatic weapons, improved counter measure dispensers, communication and support equipment, improved helmet display sight systems, trainer upgrades, spare and repair parts, publications and technical documentation, personnel training and training equipment, U.S. Government and contractor engineering and logistics support services, and other related elements of logistics support. The estimated cost is $5.0 billion.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a friendly country that has been and continues to be an important force for political stability and economic progress in the Middle East. The UAE is currently deployed in support of U.S. regional operations, and plans to provide future deployment support.

The UAE needs these helicopters to fulfill its strategic commitments for self defense, with coalition support, in the region. The helicopters will provide the UAE military more advanced targeting and engagement capabilities. The proposed sale will provide for the defense of vital installations and will provide close air support for military ground forces. The UAE, which currently has AH-64Ds in its inventory, will have no difficulty absorbing these additional helicopters into its armed forces.

The proposed sale of this weapon system will not alter the basic military balance in the region.

The prime contractors will be The Boeing Company in Mesa, Arizona, and Lockheed Martin Corporation in Orlando, Florida. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale may require the assignment of additional U.S. Government or contractor representatives to the UAE. U.S. Government and contractor representatives will also participate in program management and technical reviews for one-week intervals, twice semi-annually.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 10-52

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act

Annex
Item No. vii

(vii) Sensitivity of Technology:

1. The AH-64D APACHE Helicopter includes the following classified or sensitive components.

a. The Modernized Target Acquisition and Designation Sight/ Modernized Pilot Night Vision Sensor (M-TADS/M-PNVS) is an enhanced version of its predecessor. It provides second generation day, night, and limited adverse weather target information, as well as night navigation capabilities. The M-PNVS provides second generation thermal imaging that permits safer nap-of-the-earth flight to, from, and within the battle area, while TADS provides the co-pilot gunner with improved search, deletion, recognition, and designation by means of Direct View Optics (DVO), I^2 television, second generation Forward Looking Infrared (FLIR) sighting systems that may be used singly or in combinations. The hardware and releasable technical manuals are Unclassified.

b. The AN/AVR-2B Laser Warning Set is a passive laser warning system that receives, processes, and displays threat information on the multi-functional display resulting from aircraft illumination by lasers. The hardware is classified Confidential. Releasable technical manuals for operation and maintenance are classified Secret.

c. The AN/APG-78 Fire Control Radar is an active, low-probability of intercept, millimeter-wave radar, combined with a passive Radar Frequency Interferometer (RFI) mounted on top of the helicopter mast. The FCR Ground Targeting Mode detects, locates, classifies and prioritizes stationary or moving armored vehicles, tanks, and mobile air defense systems as well as hovering helicopters and fixed wing aircraft in normal flight. The RFI detects threat radar emissions and determines the type of radar and mode of operation. The FCR data and RFI data are fused for maximum synergism. If desired, the radar data can be used to refer targets to the regular electro-optical TADS or MTADS, permitting additional visual/infrared imagery and control of weapons, including the semi-active laser version of the HELLFIRE. Critical system information is stored in the FCR in the form of mission executable code, target detection, classification algorithms and codes threat parametrics. This information is provided in a form that cannot be extracted by

the foreign user via anti-tamper provisions built into the system. The contents of these items are classified Secret. The RFI is a passive radar detection and direction finding system, which utilizes a detachable User Data Module (UDM) on the RFI processor that contains the RF threat library. The UDM hardware is classified Confidential when programmed with threat parameters, priorities, and/or techniques.

d. The AN/ALQ-144A(V)3 Infrared (IR) Jammer is an active, continuous operating, omni-directional, electrically fired IR jammer system designed to confuse or decoy threat IR missile systems, in conjunction with low reflective paint and engine suppressors. The hardware is classified Confidential and releasable technical manuals for operation and maintenance are classified Secret.

e. The AN/APR-39A(V)4 Radar Signal Detecting Set is a system that provides warning of a radar directed air defense threat to allow appropriate countermeasures. This is the 1553 data bus compatible configuration. The hardware is classified Confidential when programmed with U.S. threat data and releasable technical manuals for operation and maintenance are classified Confidential. Releasable technical data for performance is classified Secret.

f. The AN/ALQ-136(V)5 Radar Jammer is an automatic radar jammer that analyzes various incoming radar signals. When threat signals are identified and verified, jamming automatically begins and continues until the threat radar breaks lock. The hardware is classified Confidential. Releasable technical manuals for operation, maintenance, and performance are classified Secret.

g. The AAR-57(V)3/5 Common Missile Warning System detects threat missiles in flight, evaluates potential false alarms, declares validity of threat and selects appropriate Infrared Counter Measures. It includes Electro-Optical Missile Sensors, Electronic Control Unit, Sequencer and Improved Countermeasures Dispenser (ICMD). The hardware is classified Confidential. Releasable technical manuals for operation and maintenance are classified Secret.

2. If a technologically advanced adversary were to obtain knowledge of the specific hardware in the proposed sale, the information could be used to develop countermeasures which might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

[FR Doc. 2010–28770 Filed 11–15–10; 8:45 am]
BILLING CODE 5001–06–C

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal Nos. 10–46]

36(b)(1) Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. B. English, DSCA/DBO/CFM, (703) 601–3740.

SUPPLEMENTARY INFORMATION: The following is a copy of a letter to the Speaker of the House of Representatives, Transmittals 10–46 with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: November 9, 2010.

Morgan F. Park,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

OCT 2 0 2010

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
Washington, DC 20515

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 10-46, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to the Kingdom of Saudi Arabia for defense articles and services estimated to cost $2.223 billion. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

Richard A. Genaille, Jr.

Richard A. Genaille, Jr.
Deputy Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology
4. Regional Balance (Classified Document Provided Under Separate Cover)

Transmittal No. 10-46

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Kingdom of Saudi Arabia

(ii) Total Estimated Value:

Major Defense Equipment*	$ .813 billion
Other	$ 1.410 billion
TOTAL	$ 2.223 billion

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

10	AH-64D Block III APACHE Helicopters
28	T700-GE-701D Engines
13	Modernized Targeting Acquisition and Designation Systems/Pilot Night Vision Sensors
7	AN/APG-78 Fire Control Radars with Radar Electronics Unit (Longbow Component)
7	AN/APR-48A Radar Frequency Interferometers (Longbow Component)
13	AN/APR-39 Radar Signal Detecting Sets
13	AN/AVR-2B Laser Warning Sets
13	AAR-57(V)3/5 Common Missile Warning Systems
26	Improved Countermeasures Dispensers
26	Improved Helmet Display Sight Systems
14	30mm Automatic Weapons
6	Aircraft Ground Power Units
14	AN/AVS-9 Night Vision Goggles
640	AGM-114R HELLFIRE II Missiles
2000	2.75 in 70mm Laser Guided Rockets
307	AN/PRQ-7 Combat Survivor Evader Locators
1	BS-1 Enhanced Terminal Voice Switch
1	Fixed-Base Precision Approach Radar
1	Digital Airport Surveillance Radar
1	DoD Advanced Automation Service
1	Digital Voice Recording System

* as defined in Section 47(6) of the Arms Export Control Act.

Also included are trainers, simulators, generators, training munitions, design and construction, , transportation, tools and test equipment, communication equipment, spare and repair parts, support equipment, personnel training and training equipment, publications and technical documentation, U.S. Government and contractor engineering, technical, and logistics support services, and other related elements of program support.

(iv) Military Department: Army (UNK)

(v) Prior Related Cases, if any: None

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Annex Attached.

(viii) Date Report Delivered to Congress:

POLICY JUSTIFICATION

Saudi Arabia – AH-64D APACHE Helicopters

The Government of Saudi Arabia has requested a possible sale of:

10	AH-64D Block III APACHE Helicopters
28	T700-GE-701D Engines
13	Modernized Targeting Acquisition and Designation Systems/Pilot Night Vision Sensors
7	AN/APG-78 Fire Control Radars with Radar Electronics Unit (Longbow Component)
7	AN/APR-48A Radar Frequency Interferometers (Longbow Component)
13	AN/APR-39 Radar Signal Detecting Sets
13	AN/AVR-2B Laser Warning Sets
13	AAR-57(V)3/5 Common Missile Warning Systems
26	Improved Countermeasures Dispensers
26	Improved Helmet Display Sight Systems
14	30mm Automatic Weapons
6	Aircraft Ground Power Units
14	AN/AVS-9 Night Vision Goggles
640	AGM-114R HELLFIRE II Missiles
2000	2.75 in 70mm Laser Guided Rockets
307	AN/PRQ-7 Combat Survivor Evader Locators
1	BS-1 Enhanced Terminal Voice Switch
1	Fixed-Base Precision Approach Radar
1	Digital Airport Surveillance Radar
1	DoD Advanced Automation Service
1	Digital Voice Recording System

Also included are trainers, simulators, generators, training munitions, design and construction, transportation, tools and test equipment, ground and air based SATCOM and line of sight communication equipment, Identification Friend or Foe (IFF) systems, GPS/INS, spare and repair parts, support equipment, personnel training and training equipment, publications and technical documentation, U.S. Government and contractor engineering, technical, and logistics support services, and other related elements of program support. The estimated cost is $2.223 billion.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a friendly country which has been and continues to be an important force for political stability and economic progress in the Middle East.

The Saudi Arabian Royal Guard will use the AH-64D to improve its ability to effectively protect its borders, and vital installations. This sale also will increase the Royal Guard's APACHE sustainability and interoperability with the U.S. Army, the Gulf Cooperation Council countries, and other coalition forces. Saudi Arabia will have no difficulty absorbing these helicopters into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime contractors will be:

The Boeing Company	Mesa, Arizona
Lockheed Martin Corporation	Orlando, Florida
General Electric Company	Cincinnati, Ohio
Lockheed Martin Millimeter Technology	Owego, New York
Longbow Limited Liability Corporation	Orlando, Florida

There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale may require the assignment of an additional 35 U.S. Government and 150 contractor representatives to Saudi Arabia. At present, there are approximately 250 U.S. Government personnel and 630 contractor representatives in Saudi Arabia supporting the modernization program. Also, this program will require multiple trips to Saudi Arabia involving U.S. government and contractor personnel to participate in annual, technical reviews, training, and one-week Program Reviews in Saudi Arabia.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 10-46

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act

Annex
Item No. vii

(vii) Sensitivity of Technology:

1. The AH-64D APACHE Attack Helicopter weapon system contains communications and target identification equipment, navigation equipment, aircraft survivability equipment, displays, and sensors. The airframe itself does not contain sensitive technology; however, the pertinent equipment listed below will be either installed on the aircraft or included in the sale:

a. The Fire Control Radar (FCR) is an active, low-probability of intercept, millimeter-wave radar, combined with a passive Radar Frequency Interferometer (RFI) mounted on top of the helicopter mast. The FCR Ground Targeting Mode detects, locates, classifies and prioritizes stationary or moving armored vehicles, tanks and mobile air defense systems as well as hovering helicopters, helicopters, and fixed wing aircraft in normal flight. The RFI detects threat radar emissions and determines the type of radar and mode of operation. The FCR data and RFI data are fused for maximum synergism. If desired, the radar data can be used to refer targets to the regular electro-optical Target Acquisition and Designation Sight (TADS), Modernized Target Acquisition and Designation Sight (MTADS), permitting additional visual/infrared imagery and control of weapons, including the semi active laser version of the HELLFIRE. Critical system information is stored in the FCR in the form of mission executable code, target detection, classification algorithms and coded threat parametrics. This information is provided in a form that cannot be extracted by the foreign user via anti-tamper provisions built into the system. The content of these items is classified Secret. The RFI is a passive radar detection and direction finding system, which utilizes a detachable User Data Module (UDM) on the RFI processor, which contains the Radio Frequency threat library. The UDM, which is a hardware assemblage, is classified Secret when programmed with threat parameters, threat priorities and/or techniques derived from U.S. intelligence information.

b. The Modernized Target Acquisition and Designation Sight/Pilot Night Vision Sensor (MTADS/PNVS) provides day, night, limited adverse weather target information, as well as night navigation capabilities. The PNVS provides thermal imaging that permits nap-of-the-earth flight to, from, and within the battle area, while TADS provides the co-pilot gunner with search, detection, recognition, and designation by means of Direct View Optics (DVO), television, and Forward Looking Infrared (FLIR) sighting systems that may be used

singularly or in combinations. Hardware is Unclassified. Technical manuals for authorized maintenance levels are Unclassified. Reverse engineering is not a major concern.

c. The AAR-57(V)3/5 Common Missile Warning System (CMWS) detects energy emitted by threat missile in-flight, evaluates potential false alarm emitters in the environment, declares validity of threat and selects appropriate counter-measures. The CMWS consists of an Electronic Control Unit (ECU), Electro-Optic Missile Sensors (EOMSs), and Sequencer and Improved Countermeasures Dispenser (ICMD). The ECU hardware is classified Confidential and releasable technical manuals for operation and maintenance are classified Secret.

d. The AN/APR-39 Radar Signal Detecting Set is a system, that provides warning of a radar directed air defense threat and allow appropriate countermeasures. This is the 1553 databus compatible configuration. The hardware is classified Confidential when programmed with U.S. threat data; releasable technical manuals for operation and maintenance are classified Confidential; releasable technical data (technical performance) is classified Secret.

e. The AN/AVR-2B Laser Warning Set is a passive laser warning system that receives, processes and displays threat information resulting from aircraft illumination by lasers on the multi-functional display. The hardware is classified Confidential; releasable technical manuals for operation and maintenance are classified Secret.

f. The Integrated Helmet Display Sight System (IHDSS) is an enhanced version of its predecessor. It will provide improved operational performance primarily in resolution allowing greater utilization of the M-TADS/M-PNVS performance enhancements. The hardware is Unclassified.

g. The highest level for release of the AGM-114R HELLFIRE II is Secret, based upon the software. The highest level of classified information that could be disclosed by a proposed sale or by testing of the end item is Secret; the highest level that must be disclosed for production, maintenance, or training is Confidential. Reverse engineering could reveal Confidential information. Vulnerability data, countermeasures, vulnerability/susceptibility analyses, and threat definitions are classified Secret or Confidential.

2. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures which might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

[FR Doc. 2010–28769 Filed 11–15–10; 8:45 am]
BILLING CODE 5001–06–C

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal Nos. 10–44]

36(b)(1) Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. B. English, DSCA/DBO/CFM, (703) 601–3740.

SUPPLEMENTARY INFORMATION: The following is a copy of a letter to the Speaker of the House of Representatives, Transmittals 10–44 with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: November 9, 2010.

Morgan F. Park,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

OCT 2 0 2010

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
Washington, DC 20515

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 10-44, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to the Kingdom of Saudi Arabia for defense articles and services estimated to cost $25.6 billion. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

Richard A. Genaille, Jr.

Richard A. Genaille, Jr.
Deputy Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology
4. Regional Balance (Classified Document Provided Under Separate Cover)

Transmittal No. 10-44

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act, as amended (U)

(i) Prospective Purchaser: Kingdom of Saudi Arabia

(ii) Total Estimated Value:

Major Defense Equipment*	$ 7.5 billion
Other	$18.1 billion
TOTAL	$25.6 billion

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

36	AH-64D Block III APACHE Helicopters
72	UH-60M BLACKHAWK Helicopters
36	AH-6i Light Attack Helicopters
12	MD-530F Light Turbine Helicopters
243	T700-GE-701D Engines
40	Modernized Targeting Acquisition and Designation Systems/Pilot Night Vision Sensors
20	AN/APG-78 Fire Control Radars with Radar Electronics Unit (Longbow Component)
20	AN/APR-48A Radar Frequency Interferometer
171	AN/APR-39 Radar Signal Detecting Sets
171	AN/AVR-2B Laser Warning Sets
171	AAR-57(V)3/5 Common Missile Warning Systems
318	Improved Countermeasures Dispensers
40	Wescam MX-15Di (AN/AAQ-35) Sight/Targeting Sensors
40	GAU-19/A 12.7mm (.50 caliber) Gatling Guns
108	Improved Helmet Display Sight Systems
52	30mm Automatic Weapons
18	Aircraft Ground Power Units
168	M240H Machine Guns
300	AN/AVS-9 Night Vision Goggles
421	M310 A1 Modernized Launchers
158	M299A1 HELLFIRE Longbow Missile Launchers
2592	AGM-114R HELLFIRE II Missiles
1229	AN/PRQ-7 Combat Survivor Evader Locators

* as defined in Section 47(6) of the Arms Export Control Act.

4	BS-1 Enhanced Terminal Voice Switches
4	Digital Airport Surveillance Radars
4	Fixed-Base Precision Approach Radar
4	DoD Advanced Automation Service
4	Digital Voice Recording System

Also included are trainers, simulators, generators, munitions, design and construction, transportation, wheeled vehicles and organizational equipment, tools and test equipment, communication equipment, Identification Friend or Foe (IFF) systems, GPS/INS, spare and repair parts, support equipment, personnel training and training equipment, publications and technical documentation, U.S. Government and contractor engineering, technical, and logistics support services, and other related elements of program support.

(iv) Military Department: Army (ZAD, Amd #1)

(v) Prior Related Cases, if any: FMS Case ZAD-$177M-15Jan10

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Annex attached.

(viii) Date Report Delivered to Congress:

POLICY JUSTIFICATION

Saudi Arabia – AH-64D APACHE, UH-60M BLACKHAWK, AH-61 Light Attack, and MD-530F Light Turbine Helicopters

The Government of Saudi Arabia has requested a possible sale of:

36	AH-64D Block III APACHE Helicopters
72	UH-60M BLACKHAWK Helicopters
36	AH-6i Light Attack Helicopters
12	MD-530F Light Turbine Helicopters
243	T700-GE-701D Engines
40	Modernized Targeting Acquisition and Designation Systems/Pilot Night Vision Sensors
20	AN/APG-78 Fire Control Radars with Radar Electronics Unit (Longbow Component)
20	AN/APR-48A Radar Frequency Interferometer
171	AN/APR-39 Radar Signal Detecting Sets
171	AN/AVR-2B Laser Warning Sets
171	AAR-57(V)3/5 Common Missile Warning Systems
318	Improved Countermeasures Dispensers
40	Wescam MX-15Di (AN/AAQ-35) Sight/Targeting Sensors
40	GAU-19/A 12.7mm (.50 caliber) Gatling Guns
108	Improved Helmet Display Sight Systems
52	30mm Automatic Weapons
18	Aircraft Ground Power Units
168	M240H Machine Guns
300	AN/AVS-9 Night Vision Goggles
421	M310 A1 Modernized Launchers
158	M299A1 HELLFIRE Longbow Missile Launchers
2592	AGM-114R HELLFIRE II Missiles
1229	AN/PRQ-7 Combat Survivor Evader Locators
4	BS-1 Enhanced Terminal Voice Switches
4	Digital Airport Surveillance Radars
4	Fixed-Base Precision Approach Radar
4	DoD Advanced Automation Service
4	Digital Voice Recording System

Also included are trainers, simulators, generators, munitions, design and construction, transportation, wheeled vehicles and organizational equipment, tools and test equipment, communication equipment, Identification Friend or Foe (IFF) systems, GPS/INS, spare and repair parts, support equipment, personnel training and training equipment, publications and technical documentation, U.S. Government and contractor engineering, technical, and logistics support services, and other related elements of program support. The estimated cost is $25.6 billion.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a friendly country which has been and continues to be, an important force for political stability and economic progress in the Middle East.

The Saudi Arabian National Guard will use the AH-64D for its national security and protecting its borders and oil infrastructure. The proposed sale will provide for the defense of vital installations and will provide close air support for the Saudi military ground forces. This sale also will increase the Saudi National Guard's APACHE sustainability and interoperability with the U.S. Army, the Gulf Cooperation Council countries, and other coalition forces. Saudi Arabia will have no difficulty absorbing these helicopters into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime contractors will be:

The Boeing Company	Mesa, Arizona
Lockheed Martin Corporation	Orlando, Florida
Sikorsky Aircraft	West Palm Beach, Florida
MD Helicopters	Mesa Arizona
General Electric Company	Cincinnati, Ohio
Lockheed Martin Millimeter Technology	Owego, New York
Longbow Limited Liability Corporation	Orlando, Florida
ITT Aerospace/Communications	Fort Wayne, Indiana

There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale requires the assignment of approximately 900 contractor representatives and 30 U.S. Government personnel on a full time basis in Saudi Arabia for a period of 15 years. Also, this program will require multiple trips to Saudi Arabia involving U.S. government and contractor personnel to participate in annual, technical reviews, training, and one-week Program Reviews in Saudi Arabia.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 10-44

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act

Annex
Item No. vii

(vii) Sensitivity of Technology:

1. The AH-64D APACHE Attack Helicopter weapon system contains communications and target identification equipment, navigation equipment, aircraft survivability equipment, displays, and sensors. The airframe itself does not contain sensitive technology; however, the pertinent equipment listed below will be either installed on the aircraft or included in the sale:

a. The Fire Control Radar (FCR) is an active, low-probability of intercept, millimeter-wave radar, combined with a passive Radar Frequency Interferometer (RFI) mounted on top of the helicopter mast. The FCR Ground Targeting Mode detects, locates, classifies and prioritizes stationary or moving armored vehicles, tanks and mobile air defense systems as well as hovering helicopters, helicopters, and fixed wing aircraft in normal flight. The RFI detects threat radar emissions and determines the type of radar and mode of operation. The FCR data and RFI data are fused for maximum synergism. If desired, the radar data can be used to refer targets to the regular electro-optical Target Acquisition and Designation Sight (TADS), Modernized Target Acquisition and Designation Sight (MTADS), permitting additional visual/infrared imagery and control of weapons, including the semi active laser version of the HELLFIRE. Critical system information is stored in the FCR in the form of mission executable code, target detection, classification algorithms and coded threat parametrics. This information is provided in a form that cannot be extracted by the foreign user via anti-tamper provisions built into the system. The content of these items is classified Secret. The RFI is a passive radar detection and direction finding system, which utilizes a detachable User Data Module (UDM) on the RFI processor, which contains the Radio Frequency threat library. The UDM, which is a hardware assemblage, is classified Secret when programmed with threat parameters, threat priorities and/or techniques derived from U.S. intelligence information.

b. The Modernized Target Acquisition and Designation Sight/Pilot Night Vision Sensor (MTADS/PNVS) provides day, night, limited adverse weather target information, as well as night navigation capabilities. The PNVS provides thermal imaging that permits nap-of-the-earth flight to, from, and within the battle area, while TADS provides the co-pilot gunner with search, detection, recognition, and designation by means of Direct View Optics

(DVO), television, and Forward Looking Infrared (FLIR) sighting systems that may be used singularly or in combinations. Hardware is Unclassified. Technical manuals for authorized maintenance levels are Unclassified. Reverse engineering is not a major concern.

c. The AAR-57(V)3/5 Common Missile Warning System (CMWS) detects energy emitted by threat missile in-flight, evaluates potential false alarm emitters in the environment, declares validity of threat and selects appropriate counter-measures. The CMWS consists of an Electronic Control Unit (ECU), Electro-Optic Missile Sensors (EOMSs), and Sequencer and Improved Countermeasures Dispenser (ICMD). The ECU hardware is classified Confidential and releasable technical manuals for operation and maintenance are classified Secret.

d. The AN/APR-39 Radar Signal Detecting Set is a system, that provides warning of a radar directed air defense threat and allow appropriate countermeasures. This is the 1553 databus compatible configuration. The hardware is classified Confidential when programmed with U.S. threat data; releasable technical manuals for operation and maintenance are classified Confidential; releasable technical data (technical performance) is classified Secret.

e. The AN/AVR-2B Laser Warning Set is a passive laser warning system that receives, processes and displays threat information resulting from aircraft illumination by lasers on the multi-functional display. The hardware is classified Confidential; releasable technical manuals for operation and maintenance are classified Secret.

f. The Integrated Helmet Display Sight System (IHDSS) is an enhanced version of its predecessor. It will provide improved operational performance primarily in resolution allowing greater utilization of the M-TADS/M-PNVS performance enhancements. The hardware is Unclassified.

g. The highest level for release of the AGM-114R HELLFIRE II is Secret, based upon the software. The highest level of classified information that could be disclosed by a proposed sale or by testing of the end item is Secret; the highest level that must be disclosed for production, maintenance, or training is Confidential. Reverse engineering could reveal Confidential information. Vulnerability data, countermeasures, vulnerability/ susceptibility analyses, and threat definitions are classified Secret or Confidential.

2. The AH-6i Light Attack Helicopter is a commercial-off-the-shelf, light attack/reconnaissance helicopter, armed with .50 cal GAU-19, M310 A1 Modernized Launchers, 2.75 Hydra 70 Rockets and M261 Rocket Launchers. The helicopter is equipped with the WESCAM MX-15Di Sight/Targeting Sensor, as well as Aircraft Survivability Equipment (ASE), Communication and Navigation Equipment to ensure commonality and interoperability with the other aircraft platforms. The airframe itself does not contain sensitive technology.

a. The Wescam MX-15 (US Designation AN/AAQ-35) is a commercial-off-the-shelf system belonging to a family of mid-size turrets of which the MX-15Di is one. It is a stabilized, geo-referenced camera turret that features high magnification daylight cameras and thermal imaging. It is used on both rotary and fixed wing aircraft to carry out real-time, tactical ISR (Intelligence, Surveillance, and Reconnaissance). It has a modular imaging system with high-quality long-range optics that can be equipped with up to six sensors. This flexibility has allowed customized sensor fits to evolve embracing a variety of applications, the main one being long-range target identification from fixed-wing, rotor-wing, aerostat and Unmanned Aerial Vehicle (UAV) platforms. The MX-15Di introduces the re-packaging of the electronics box into the turret itself. The hardware is classified Unclassified; releasable technical manuals for operation and maintenance are classified Unclassified.

b. The 12.7mm (.50 caliber) GAU-19/A Externally Powered Gatling Gun, has variable rates of fire-up to 2000 rounds per minute-and has seen increasingly widespread deployment over the last several years. The hardware is classified Confidential; releasable technical manuals for operation and maintenance are Unclassified.

3. The UH-60M BLACKHAWK is a utility helicopter. The weapon system contains communications and identification equipment, navigation equipment, aircraft survivability equipment (ASE), displays, and sensors. The airframe itself does not contain sensitive technology. The highest level of classified information required to be released for training, operation and maintenance of the BLACKHAWK is Unclassified.

4. The MD530F Light Turbine Helicopter is a commercial-off-the-shelf (COTS), light utility helicopter designed to operate effectively in hot weather and high altitudes. The airframe itself does not contain sensitive technology; however, the pertinent equipment listed below will be either installed on the aircraft or included in the sale.

a. The Enhanced Terminal Voice Switch (ETVS) BS-1 performs all control functions needed for Air Traffic Control (ATC) voice communications. It provides air-to-ground communications between controllers and aircraft under their control, as well as inter/intra-facility communications. Three types of communications access are available: Radio, Intercom, and Telephone Links. ETVS is mounted in a canopy, much like the existing voice switch, and will provide the required flexibility to manage voice requirements. The hardware is Unclassified and the software is classified Secret.

b. Fixed-Base Precision Approach Radar (FBPAR) is a Federal Aviation Administration (FAA) flight-certified and US Army flight-test approved ground-based precision approach radar that utilizes proven, solid-state X-band transmit/receive (T/R) modules. The FBPAR is a track-by-scan with a less than one (1) second update that provides tracking of over seventy-five (75) targets. Its moving target detection (MTD) signal processing, adaptive clutter and sensitivity time control (STC) maps, and frequency agility

provide superior clutter rejection and detection performance in various weather types. The hardware is Unclassified and the software is classified as Secret.

c. The Digital Airport Surveillance Radar (DASR) is a new terminal air traffic control radar system that replaces current analog systems with new digital technology. The DASR system detects aircraft position and weather conditions in the vicinity of civilian and military airfields. The civilian nomenclature for this radar is the ASR-11 and the military nomenclature for the radar is the AN/GPN-30. The radar system will improve reliability, provide additional weather data, reduce maintenance cost, improve performance, and provide digital data to new digital automation systems for presentation on air traffic controller displays. The GPN-30 uses an active radar system to detect aircraft and a two-way automated radio communication system to gather aircraft identification codes and altitude. The primary radar detects aircraft by transmitting a 25 kW electromagnetic pulse from a continuously rotating antenna and listening for an electromagnetic echo that is reflected off an aircraft. The secondary radar uses a similar rotating antenna to communicate with an aircraft's transponder in a way that is similar to a telephone conversation. Advanced computers then filter, decode and correlate both the primary radar echoes and the secondary radar communication information to create a 360-degree representation of all aircraft within a 60-mile radius. The hardware is Unclassified and the software is classified as Secret.

d. DOD Advanced Automation System (DAAS) gives the air traffic controller an automation system that receives input from up to 16 digital short and long range radars. DAAS provides an air traffic control system for managing terminal area airspace for the US military. DoD Standard Terminal Automation Replacement System receives radar data and flight plan information and presents the information to air traffic controllers on high resolution, 20" x 20" color displays allowing the controller to monitor, control, and accept hand-off of air traffic. The hardware is Unclassified and the software is classified Secret.

e. The Digital Voice Recording System (DVRS) is an advanced digital recording system providing continuous and reliable recording capabilities for a wide range of purposes and clientele. The DVRS is the legal recording solution for Air Traffic Control (ATC) to provide instant retrieval thousands of hours of archived operator, telephone and radio traffic. The system is multi-user, multi-operational and scalable; enabling expansion to thousands of audio channels. The DVRS provides simultaneous recording and playback capabilities and audio "tagging" for quick access and instant playback of recorded sessions. Various playback scenarios can be used while the system maintains constant voice clarity. Time stamping of all recorded audio sessions and synchronization with outside time sources such as Global Positioning Satellite (GPS) technology is available. The hardware is Unclassified and the software is classified Secret.

5. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures which might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

[FR Doc. 2010–28767 Filed 11–15–10; 8:45 am]
BILLING CODE 5001–06–C

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal Nos. 10–45]

36(b)(1) Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. B. English, DSCA/DBO/CFM, (703) 601–3740.

SUPPLEMENTARY INFORMATION: The following is a copy of a letter to the Speaker of the House of Representatives, Transmittals 10–45 with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: November 9, 2010.

Morgan F. Park,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

OCT 2 0 2010

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
Washington, DC 20515

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 10-45, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to the Kingdom of Saudi Arabia for defense articles and services estimated to cost $3.3 billion. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

Richard A. Genaille, Jr.
Deputy Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology
4. Regional Balance (Classified Document Provided Under Separate Cover)

Transmittal No. 10-45

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Kingdom of Saudi Arabia

(ii) Total Estimated Value:

Major Defense Equipment*	$ 1.5 billion
Other	$ 1.8 billion
TOTAL	$ 3.3 billion

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

24	AH-64D Block III APACHE Helicopters
58	T700-GE-701D Engines
27	Modernized Targeting Acquisition and Designation Systems/Pilot Night Vision Sensors
10	AN/APG-78 Fire Control Radars with Radar Electronics Unit (Longbow Component)
10	AN/APR-48A Radar Frequency Interferometer Longbow Component)
27	AN/APR-39 Radar Signal Detecting Sets
27	AN/AVR-2B Laser Warning Sets
27	AAR-57(V)3/5 Common Missile Warning Systems
54	Improved Countermeasures Dispensers
28	30mm Automatic Weapons
6	Aircraft Ground Power Units
48	AN/AVS-9 Night Vision Goggles
106	M299A1 HELLFIRE Longbow Missile Launchers
24	HELLFIRE Training Missiles
1536	AGM-114R HELLFIRE II Missiles
4000	2.75 in 70mm Laser Guided Rockets
307	AN/PRQ-7 Combat Survivor Evader Locators
1	BS-1 Enhanced Terminal Voice Switch
1	Fixed-Base Precision Approach Radar
1	Digital Airport Surveillance Radar
1	DoD Advanced Automation Service
1	Digital Voice Recording System

* as defined in Section 47(6) of the Arms Export Control Act.

Also included are trainers, simulators, generators, training munitions, design and construction, , transportation, tools and test equipment, communication equipment, spare and repair parts, support equipment, personnel training and training equipment, publications and technical documentation, U.S. Government and contractor engineering, technical, and logistics support services, and other related elements of program support.

(iv) Military Department: Army (WAL)

(v) Prior Related Cases, if any:
FMS Case JBN-$330M–03Jan91
FMS Case VTX-$340M–29Dec06
FMS Case WAB-$540M–30Dec09

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Annex Attached.

(viii) Date Report Delivered to Congress:

POLICY JUSTIFICATION

Saudi Arabia – AH-64D APACHE Helicopters

The Government of Saudi Arabia has requested a possible sale of:

24	AH-64D Block III APACHE Helicopters
58	T700-GE-701D Engines
27	Modernized Targeting Acquisition and Designation Systems/Pilot Night Vision Sensors
10	AN/APG-78 Fire Control Radars with Radar Electronics Unit (Longbow Component)
10	AN/APR-48A Radar Frequency Interferometer (Longbow Component)
27	AN/APR-39 Radar Signal Detecting Sets
27	AN/AVR-2B Laser Warning Sets
27	AAR-57(V)3/5 Common Missile Warning Systems
54	Improved Countermeasures Dispensers
28	30mm Automatic Weapons
6	Aircraft Ground Power Units
48	AN/AVS-9 Night Vision Goggles
106	M299A1 HELLFIRE Longbow Missile Launchers
24	HELLFIRE Training Missiles
1536	AGM-114R HELLFIRE II Missiles
4000	2.75 in 70mm Laser Guided Rockets
307	AN/PRQ-7 Combat Survivor Evader Locators
1	BS-1 Enhanced Terminal Voice Switch
1	Fixed-Base Precision Approach Radar
1	Digital Airport Surveillance Radar
1	DoD Advanced Automation Service
1	Digital Voice Recording System

Also included are trainers, simulators, generators, training munitions, design and construction, transportation, tools and test equipment, ground and air based SATCOM and line of sight communication equipment, Identification Friend or Foe (IFF) systems, GPS/INS, spare and repair parts, support equipment, personnel training and training equipment, publications and technical documentation, U.S. Government and contractor engineering, technical, and logistics support services, and other related elements of program support. The estimated cost is $3.3 billion.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a friendly country which has been and continues to be an important force for political stability and economic progress in the Middle East.

The Royal Saudi Land Forces (RSLF) will use the AH-64D for its national security and to protect its borders and vital installations. This sale also will increase the RSLF's APACHE sustainability and interoperability with the U.S. Army, the Gulf Cooperation Council countries, and other coalition forces. Saudi Arabia will have no difficulty absorbing these helicopters into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime contractors will be:

The Boeing Company	Mesa, Arizona
Lockheed Martin Corporation	Orlando, Florida
General Electric Company	Cincinnati, Ohio
Lockheed Martin Millimeter Technology	Owego, New York
Longbow Limited Liability Corporation	Orlando, Florida

There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale may require the assignment of an additional 35 U.S. Government and 130 contractor representatives to Saudi Arabia. At present, there are approximately 250 U.S. Government personnel and 630 contractor representatives in Saudi Arabia supporting the modernization program. Also, this program will require multiple trips involving U.S. government and contractor personnel to participate in annual, technical reviews, training, and one-week Program Reviews in Saudi Arabia.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 10-45

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act

Annex
Item No. vii

(vii) Sensitivity of Technology:

1. The AH-64D APACHE Attack Helicopter weapon system contains communications and target identification equipment, navigation equipment, aircraft survivability equipment, displays, and sensors. The airframe itself does not contain sensitive technology; however, the pertinent equipment listed below will be either installed on the aircraft or included in the sale:

a. The Fire Control Radar (FCR) is an active, low-probability of intercept, millimeter-wave radar, combined with a passive Radar Frequency Interferometer (RFI) mounted on top of the helicopter mast. The FCR Ground Targeting Mode detects, locates, classifies and prioritizes stationary or moving armored vehicles, tanks and mobile air defense systems as well as hovering helicopters, helicopters, and fixed wing aircraft in normal flight. The RFI detects threat radar emissions and determines the type of radar and mode of operation. The FCR data and RFI data are fused for maximum synergism. If desired, the radar data can be used to refer targets to the regular electro-optical Target Acquisition and Designation Sight (TADS), Modernized Target Acquisition and Designation Sight (MTADS), permitting additional visual/infrared imagery and control of weapons, including the semi active laser version of the HELLFIRE. Critical system information is stored in the FCR in the form of mission executable code, target detection, classification algorithms and coded threat parametrics. This information is provided in a form that cannot be extracted by the foreign user via anti-tamper provisions built into the system. The content of these items is classified Secret. The RFI is a passive radar detection and direction finding system, which utilizes a detachable User Data Module (UDM) on the RFI processor, which contains the Radio Frequency threat library. The UDM, which is a hardware assemblage, is classified Secret when programmed with threat parameters, threat priorities and/or techniques derived from U.S. intelligence information.

b. The Modernized Target Acquisition and Designation Sight/Pilot Night Vision Sensor (MTADS/PNVS) provides day, night, limited adverse weather target information, as well as night navigation capabilities. The PNVS provides thermal imaging that permits nap-of-the-earth flight to, from, and within the battle area, while TADS provides the co-pilot gunner with search, detection, recognition, and designation by means of Direct View Optics (DVO), television, and Forward Looking Infrared (FLIR) sighting systems that may be used

singularly or in combinations. Hardware is Unclassified. Technical manuals for authorized maintenance levels are Unclassified. Reverse engineering is not a major concern.

c. The AAR-57(V)3/5 Common Missile Warning System (CMWS) detects energy emitted by threat missile in-flight, evaluates potential false alarm emitters in the environment, declares validity of threat and selects appropriate counter-measures. The CMWS consists of an Electronic Control Unit (ECU), Electro-Optic Missile Sensors (EOMSs), and Sequencer and Improved Countermeasures Dispenser (ICMD). The ECU hardware is classified Confidential and releasable technical manuals for operation and maintenance are classified Secret.

d. The AN/APR-39 Radar Signal Detecting Set is a system, that provides warning of a radar directed air defense threat and allow appropriate countermeasures. This is the 1553 databus compatible configuration. The hardware is classified Confidential when programmed with U.S. threat data; releasable technical manuals for operation and maintenance are classified Confidential; releasable technical data (technical performance) is classified Secret.

e. The AN/AVR-2B Laser Warning Set is a passive laser warning system that receives, processes and displays threat information resulting from aircraft illumination by lasers on the multi-functional display. The hardware is classified Confidential; releasable technical manuals for operation and maintenance are classified Secret.

f. The Integrated Helmet Display Sight System (IHDSS) is an enhanced version of its predecessor. It will provide improved operational performance primarily in resolution allowing greater utilization of the M-TADS/M-PNVS performance enhancements. The hardware is Unclassified.

g. The highest level for release of the AGM-114R HELLFIRE II is Secret, based upon the software. The highest level of classified information that could be disclosed by a proposed sale or by testing of the end item is Secret; the highest level that must be disclosed for production, maintenance, or training is Confidential. Reverse engineering could reveal Confidential information. Vulnerability data, countermeasures, vulnerability/susceptibility analyses, and threat definitions are classified Secret or Confidential.

2. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures which might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

[FR Doc. 2010–28766 Filed 11–15–10; 8:45 am]
BILLING CODE 5001–06–C

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal Nos. 10–57]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. B. English, DSCA/DBO/CFM, (703) 601–3740.

SUPPLEMENTARY INFORMATION: The following is a copy of a letter to the Speaker of the House of Representatives, Transmittals 10–57 with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: November 9, 2010.

Morgan F. Park,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

NOV 0 3 2010

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
Washington, DC 20515

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 10-57, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Bahrain for defense articles and services estimated to cost $70 million. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

Richard A. Genaille, Jr.
Deputy Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology
4. Regional Balance (Classified Document Provided under Separate Cover)

Transmittal No. 10-57

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Bahrain

(ii) Total Estimated Value:

Major Defense Equipment*	$50 million
Other	$20 million
TOTAL	$70 million

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase: 30 Army Tactical Missile Systems (ATACMS) T2K Unitary Missiles, Missile Common Test Device software, ATACMS Quality Assurance Team support, publications and technical documentation, training, U.S. government and contractor technical and engineering support, and other related elements of program support.

(iv) Military Department: Army (UJK)

(v) Prior Related Cases, if any: FMS case UHM-$27M-15Nov00

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Annex Attached

(viii) Date Report Delivered to Congress: 3 November 2010

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Bahrain – Army Tactical Missile Systems T2K Unitary

The Government of Bahrain has requested a possible sale of 30 Army Tactical Missile Systems (ATACMS) T2K Unitary Missiles, Missile Common Test Device software, ATACMS Quality Assurance Team support, publications and technical documentation, training, U.S. government and contractor technical and engineering support, and other related elements of program support. The estimated cost is $70 million.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a friendly country which has been, and continues to be, an important force for political stability and economic progress in the Middle East.

Bahrain intends to use these defense articles and services to modernize its armed forces. The Bahrain Defense Forces intends to expand its existing army architecture to counter major regional threats. This will contribute to the Bahrain military's goal of modernizing its capability while further enhancing interoperability with the U.S. and other allies.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime contractor will be Lockheed Martin Industries in Camden, Arkansas. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require the assignment of approximately three government or contractor representatives to travel to Bahrain for a period of two weeks for equipment de-processing/fielding, system checkout and training.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 10-57

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act

Annex
Item No. vii

(vii) Sensitivity of Technology:

1. The Army Tactical Missile System (ATACMS) is a ground-launched surface-to-surface guided missile system. ATACMS are fired from the M270A1 Multiple Launch Rocket System and the High Mobility Artillery Rocket System launchers. The highest classification level for release of the ATACMS T2K Unitary Missile is Secret. The highest level of classified information that could be disclosed by a sale or by testing of the end item is Secret. The Fire Direction System, Data Processing Unit, and special application software are Secret. The highest level that must be disclosed for production, maintenance, or training is Confidential. The Communications Distribution Unit software is Confidential. The system specifications and limitations are classified Confidential. The vulnerability data, countermeasures, vulnerability/susceptibility analyses, and threat definitions are classified up to Secret.

2. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures which might reduce weapon system effectiveness or could be used in the development of a system with similar or advanced capabilities.

[FR Doc. 2010–28771 Filed 11–15–10; 8:45 am]
BILLING CODE 5001–06–C

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal Nos. 10–38]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. B. English, DSCA/DBO/CFM, (703) 601–3740.

SUPPLEMENTARY INFORMATION: The following is a copy of a letter to the Speaker of the House of Representatives, Transmittals 10–38 with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: November 9, 2010.

Morgan F. Park,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

OCT 26 2010

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
Washington, DC 20515

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 10-38, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Japan for defense articles and services estimated to cost $33 million. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

Richard A. Genaille, Jr.

Richard A. Genaille, Jr.
Deputy Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

Transmittal No. 10-38

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Japan

(ii) Total Estimated Value:

Major Defense Equipment*	$27 million
Other	$ 6 million
TOTAL	$33 million

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase: 13 SM-2 Block IIIB Tactical STANDARD missiles, 13 AN/DKT-71A Telemeters, conversion kits, containers, spare and repair parts, support equipment, U.S. Government and contractor engineering, technical, and logistics support services, and other related elements of logistics support.

(iv) Military Department: Navy (ARH)

(v) Prior Related Cases, if any: Numerous cases dating back to 1992

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex

(viii) Date Report Delivered to Congress: OCT 26 2010

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Japan – SM-2 Block IIIB STANDARD Missiles

The Government of Japan has requested a possible sale of 13 SM-2 Block IIIB Tactical STANDARD missiles, 13 AN/DKT-71A Telemeters, conversion kits, containers, spare and repair parts, support equipment, U.S. Government and contractor engineering, technical, and logistics support services, and other related elements of logistics support. The estimated cost is $33 million.

Japan is one of the major political and economic powers in East Asia and the Western Pacific and a key ally of the United States in ensuring the peace and stability of this region. The U.S. Government shares bases and facilities in Japan. It is vital to the U.S. national interest to assist Japan to develop and maintain a strong and ready self-defense capability. This proposed sale is consistent with these U.S. objectives and with the 1960 Treaty of Mutual Cooperation and Security.

The SM-2 missiles will be used on the Japan Maritime Self Defense Force fleet and will provide enhanced capabilities in providing defense of critical sea-lanes of communication. Japan has already integrated the SM-2 Block IIIB missiles into its ship combat systems. It maintains two Intermediate-Level Maintenance Depots capable of maintaining and supporting the SM-2. Japan will have no difficulty absorbing these additional missiles.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime contractors are Raytheon Missiles Systems Company in Tucson, Arizona, Raytheon Company in Camden, Arkansas, and United Defense, Limited Partnership in Aberdeen, South Dakota. There are no offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require any additional U.S. Government or contractor representatives in Japan.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 10-38

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act

Annex
Item No. vii

(vii) Sensitivity of Technology:

1. The possible sale of SM-2 Block IIIB STANDARD missiles will result in the transfer of sensitive technology and information as well as classified and unclassified defense equipment and technical data. The STANDARD missile hardware guidance section is classified Secret and the target detection device is classified Confidential. The warhead, rocket motor, steering control section, safe and arming device, auto-pilot battery unit, and telemeter are Unclassified. Certain operating frequencies and performance characteristics are classified Secret. Confidential documentation to be provided includes: parametric documents, general performance data, firing guidance, kinematics information, Intermediate Maintenance Activity (IMA)-level maintenance, and flight analysis procedures.

2. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures which might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

[FR Doc. 2010–28764 Filed 11–15–10; 8:45 am]
BILLING CODE 5001–06–C

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal Nos. 10–43]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. B. English, DSCA/DBO/CFM, (703) 601–3740.

SUPPLEMENTARY INFORMATION: The following is a copy of a letter to the Speaker of the House of Representatives, Transmittals 10–43 with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: November 9, 2010.

Morgan F. Park,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

OCT 2 0 2010

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
Washington, DC 20515

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 10-43, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to the Kingdom of Saudi Arabia for defense articles and services estimated to cost $29.432 billion. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

Richard A. Genaille, Jr.
Deputy Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology
4. Regional Balance (Classified Document Provided Under Separate Cover)

Transmittal No. 10-43

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act

(i) Prospective Purchaser: Kingdom of Saudi Arabia

(ii) Total Estimated Value:

Major Defense Equipment*	$16.282 billion
Other	$13.150 billion
TOTAL	$29.432 billion

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

84	F-15SA Aircraft
170	APG-63(v)3 Active Electronically Scanned Array Radar (AESA) radar sets
193	F-110-GE-129 Improved Performance Engines
100	M61 Vulcan Cannons
100	Link-16 Multifunctional Information Distribution System/Low Volume Terminal (MIDS/LVT) and spares
193	LANTIRN Navigation Pods (3rd Generation-Tiger Eye)
338	Joint Helmet Mounted Cueing Systems (JHMCS)
462	AN/AVS-9 Night Vision Goggles (NVGS)
300	AIM-9X SIDEWINDER Missiles
25	Captive Air Training Missiles (CATM-9X)
25	Special Air Training Missiles (NATM-9X)
500	AIM-120C/7 Advanced Medium Range Air-to-Air Missiles (AMRAAM)
25	AIM-120 CATMs
1,000	Dual Mode Laser/Global Positioning System (GPS) Guided Munitions (500 lb)
1,000	Dual Mode Laser/GPS Guided Munitions (2000 lb)
1,100	GBU-24 PAVEWAY III Laser Guided Bombs (2000 lb)
1,000	GBU-31B V3 Joint Direct Attack Munitions (JDAM) (2000 lb)
1,300	CBU-105D/B Sensor Fuzed Weapons (SFW)/Wind Corrected Munitions Dispenser (WCMD)
50	CBU-105 Inert
1,000	MK-82 500lb General Purpose Bombs
6,000	MK-82 500lb Inert Training Bombs

* as defined in Section 47(6) of the Arms Export Control Act.

2,000	MK-84 2000lb General Purpose Bombs
2,000	MK-84 2000lb Inert Training Bombs
200,000	20mm Cartridges
400,000	20mm Target Practice Cartridges
400	AGM-84 Block II HARPOON Missiles
600	AGM-88B HARM Missiles
169	Digital Electronic Warfare Systems (DEWS)
158	AN/AAQ-33 Sniper Targeting Systems
169	AN/AAS-42 Infrared Search and Track (IRST) Systems
10	DB-110 Reconnaissance Pods
462	Joint Helmet Mounted Cueing System Helmets
40	Remotely Operated Video Enhanced Receivers (ROVER)
80	Air Combat Maneuvering Instrumentation Pods

Also included are the upgrade of the existing Royal Saudi Air Force (RSAF) fleet of seventy (70) F-15S multi-role fighters to the F-15SA configuration, the provision for CONUS-based fighter training operations for a twelve (12) F-15SA contingent, construction, refurbishments, and infrastructure improvements of several support facilities for the F-15SA in-Kingdom and/or CONUS operations, RR-188 Chaff, MJU-7/10 Flares, training munitions, Cartridge Actuated Devices/Propellant Actuated Devices, communication security, site surveys, trainers, simulators, publications and technical documentation, personnel training and training equipment, U.S. government and contractor engineering, technical, and logistical support services, and other related elements of logistical and program support.

(iv) Military Department: Air Force (SAI)

(v) Prior Related Cases, if any:
FMS Case SFA-$2.6B-13Jul78
FMS Case SGZ-$4.7B-7Sep90
FMS Case SRC-$8.0B-5May93

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex

(viii) Date Report Delivered to Congress: OCT 2 0 2010

POLICY JUSTIFICATION

Kingdom of Saudi Arabia – F-15SA Aircraft

The Government of Saudi Arabia has requested a possible sale of:

84	F-15SA Aircraft
170	APG-63(v)3 Active Electronically Scanned Array Radar (AESA) radar sets
193	F-110-GE-129 Improved Performance Engines
100	M61 Vulcan Cannons
100	Link-16 Multifunctional Information Distribution System/Low Volume Terminal (MIDS/LVT) and spares
193	LANTIRN Navigation Pods (3rd Generation-Tiger Eye)
338	Joint Helmet Mounted Cueing Systems (JHMCS)
462	AN/AVS-9 Night Vision Goggles (NVGS)
300	AIM-9X SIDEWINDER Missiles
25	Captive Air Training Missiles (CATM-9X)
25	Special Air Training Missiles (NATM-9X)
500	AIM-120C/7 Advanced Medium Range Air-to-Air Missiles (AMRAAM)
25	AIM-120 CATMs
1,000	Dual Mode Laser/Global Positioning System (GPS) Guided Munitions (500 lb)
1,000	Dual Mode Laser/GPS Guided Munitions (2000 lb)
1,100	GBU-24 PAVEWAY III Laser Guided Bombs (2000 lb)
1,000	GBU-31B V3 Joint Direct Attack Munitions (JDAM) (2000 lb)
1,300	CBU-105D/B Sensor Fuzed Weapons (SFW)/Wind Corrected Munitions Dispenser (WCMD)
50	CBU-105 Inert
1,000	MK-82 500lb General Purpose Bombs
6,000	MK-82 500lb Inert Training Bombs
2,000	MK-84 2000lb General Purpose Bombs
2,000	MK-84 2000lb Inert Training Bombs
200,000	20mm Cartridges
400,000	20mm Target Practice Cartridges
400	AGM-84 Block II HARPOON Missiles
600	AGM-88B HARM Missiles
169	Digital Electronic Warfare Systems (DEWS)
158	AN/AAQ-33 Sniper Targeting Systems
169	AN/AAS-42 Infrared Search and Track (IRST) Systems
10	DB-110 Reconnaissance Pods

462	Joint Helmet Mounted Cueing System Helmets
40	Remotely Operated Video Enhanced Receivers (ROVER)
80	Air Combat Maneuvering Instrumentation Pods

Also included are the upgrade of the existing Royal Saudi Air Force (RSAF) fleet of seventy (70) F-15S multi-role fighters to the F-15SA configuration, the provision for CONUS-based fighter training operations for a twelve (12) F-15SA contingent, construction, refurbishments, and infrastructure improvements of several support facilities for the F-15SA in-Kingdom and/or CONUS operations, RR-188 Chaff, MJU-7/10 Flares, training munitions, Cartridge Actuated Devices/Propellant Actuated Devices, communication security, site surveys, trainers, simulators, publications and technical documentation, personnel training and training equipment, U.S. government and contractor engineering, technical, and logistical support services, and other related elements of logistical and program support. The estimated cost is $29.432 billion.

This proposed sale will enhance the foreign policy and national security objectives of the United States by strengthening our on-going strategically important relationship with Kingdom of Saudi Arabia (KSA).

For the past twenty years the F-15 has been a cornerstone of the relationship between the U.S. Air Force (USAF) and the RSAF. The procurement of the F-15SA, the conversion of the F-15S fleet to a common configuration, and the CONUS training contingent will provide interoperability, sustained professional contacts, and common ground for training and support well into the 21st century.

The F-15SA will help deter potential aggressors by increasing Saudi's tactical air force capability to defend KSA against regional threats. The CONUS-based contingent would improve interoperability between the USAF and the RSAF. This approach will meet Saudi's self-defense requirements and continue to foster the long-term military-to-military relationship between the United States and the KSA. Saudi Arabia, which currently has the F-15 in its inventory, will have no difficulty absorbing the F-15SA aircraft into its armed forces.

The proposed sale of this service will not alter the basic military balance in the region.

The prime contractor is The Boeing Company in Chicago, Illinois. Other contractors will be:

Contractor	City	State
BAE SYSTEMS	GREENLAWN	NEW YORK
BAE SYSTEMS CONTROLS INC.	JOHNSON CITY	NEW YORK
BAE SYSTEMS INFO & ELECT SYST	AUSTIN	TEXAS
BAE SYSTEMS INFORMATION AND ELECTRONIC SYSTEMS INTEGRATION	NASHUA	NEW HAMPSHIRE
BAE SYSTEMS INFORMATION AND ELECTRONIC SYSTEMS INTEGRATION	GREENLAWN	NEW YORK
BAE SYSTEMS MFG TECHNOLOGY INC	FORT WALTON BEACH	FLORIDA
CUBIC CORPORATION	SAN DIEGO	CALIFORNIA
DATA LINK SOLUTIONS	CEDAR RAPIDS	IOWA
GENERAL ELECTRIC AVIATION	CINCINNATI	OHIO
GENERAL DYNAMICS CORPORATION	FALLS CHURCH	VIRGINIA
GKN AEROSPACE BANDY MACHINING INC	BURBANK	CALIFORNIA
GKN AEROSPACE MONITOR INC	AMITYVILLE	NEW YORK
GKN AEROSPACE NORTH AMERICA INC	HAZELWOOD	MISSOURI
GKN AEROSPACE PRECISION MACHINING INC	WELLINGTON	KANSAS
GKN AEROSPACE TRANSPARENCY SYSTEMS INC	GARDEN GROVE	CALIFORNIA
GOODRICH AERO STRUCTURES GROUP	CHULA VISTA	CALIFORNIA
GOODRICH AIP	COLORADO SPRINGS	COLORADO
GOODRICH CONTROL SYSTEMS LIMITED	PITSTONE	ENGLAND
GOODRICH CORP	ROME	NEW YORK
GOODRICH CORPORATION	ENGLEWOOD	NEW JERSEY
GOODRICH CORPORATION	WEST HARTFORD	CONNECTICUT
GOODRICH CORPORATION	TWINSBURG	OHIO
GOODRICH CORPORATION	CLEVELAND	OHIO
GOODRICH SENSORS & INTEGRATED SYSTS VT	VERGENNES	VERMONT
HONEYWELL ACS FREEPORT	FREEPORT	ILLINOIS
HONEYWELL AERO ALBUQUERQUE	ALBUQUERQUE	NEW MEXICO
HONEYWELL AERO MINNEAPOLIS	MINNEAPOLIS	MINNESOTA
HONEYWELL AERO MISSISSAUGA	MISSISSAUGA	ONTARIO
HONEYWELL AERO PHOENIX	PHOENIX	ARIZONA
HONEYWELL AERO SOUTH BEND	SOUTH BEND	INDIANA
HONEYWELL AERO TEMPE	TEMPE	ARIZONA
HONEYWELL AERO TORRANCE	TORRANCE	CALIFORNIA
HONEYWELL AERO TUSCON	TUCSON	ARIZONA
HONEYWELL HPG TORRANCE	TORRANCE	CALIFORNIA
HONEYWELL HPG TORRANCE	TORRANCE	CALIFORNIA
HONEYWELL INTERNATIONAL INC	CLEARWATER	FLORIDA
HONEYWELL INTERNATIONAL INC	IRVING	TEXAS
HONEYWELL INTERNATIONAL INC	ALLENTOWN	PENNSYLVANIA
HONEYWELL INTERNATIONAL INC	MOORPARK	CALIFORNIA
HONEYWELL INTERNATIONAL INC	FORT	FLORIDA

	LAUDERDALE	
HONEYWELL INTERNATIONAL INC	CLEARWATER	FLORIDA
HONEYWELL SENSING AND CONTROL	BOYNE CITY	MICHIGAN
HONEYWELL SENSOTEC	COLUMBUS	OHIO
HONEYWELL TEMPE	TEMPE	ARIZONA
HONEYWELL URBANA PRODUCTION	URBANA	OHIO
L-3 COMMUNICATIONS	NEW YORK	NEW YORK
LOCKHEED MARTIN CORPORATION	OWEGO	NEW YORK
LOCKHEED MARTIN GLOBAL TELECOMMUNICATIONS INC	ORLANDO	FLORIDA
LOCKHEED MARTIN MISSILES AND FIRE	ORLANDO	FLORIDA
MOOG INC	EAST AURORA	NEW YORK
PARKER HANNIFIN CORP	IRVINE	CALIFORNIA
PARKER HANNIFIN CORP	IRVINE	CALIFORNIA
PARKER HANNIFIN CORP AIR & FUEL DIV	NAPLES	FLORIDA
PARKER HANNIFIN CORPORATION	FORT WORTH	TEXAS
PARKER HANNIFIN CORPORATION	SAN DIEGO	CALIFORNIA
PARKER HANNIFIN CORPORATION	SMITHTOWN	NEW YORK
PARKER HANNIFIN CORPORATION	IRVINE	CALIFORNIA
PARKER HANNIFIN CORPORATION	IRVINE	CALIFORNIA
PARKER HANNIFIN CORPORATION	KALAMAZOO	MICHIGAN
PARKER HANNIFIN STRATOFLEX PRODTS DIV	JACKSONVILLE	FLORIDA
PRATT & WHITNEY	EAST HARTFORD	CONNECTICUT
RAYTHEON CO	FORT WAYNE	INDIANA
RAYTHEON CO	EL SEGUNDO	CALIFORNIA
RAYTHEON COMPANY	WALTHAM	MASSACHUSETTS
RAYTHEON COMPANY (INC)	LARGO	FLORIDA
RAYTHEON SYSTEMS CO	BALTIMORE	MARYLAND
ROCKWELL COLLINS DISPLAY SYSTEMS	SAN JOSE	CALIFORNIA
ROCKWELL COLLINS OPTRONICS INC	CARLSBAD	CA
ROCKWELL COLLINS, INC.	CEDAR RAPIDS	IOWA
ROCKWELL COLLINS, INC.	CEDAR RAPIDS	IOWA
TITANIUM INDUSTRIES, INC.	WOOD DALE	ILLINOIS
TITANIUM METALS CORPORATION	WENTZVILLE	MISSOURI
TELEPHONICS	FARMINGDALE	NEW YORK
TEXTRON SYSTEMS	WILMINGTON	MASSACHUSETTS

The purchaser requested offsets but at this time agreements are undetermined and will be defined in negotiations between the purchaser and contractor.

Implementation of this sale will require the assignment of approximately 20 additional U.S. Government and approximately 300 contractor representatives to the Kingdom of Saudi Arabia.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 10-43

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act

Annex
Item No. vii

(vii) Sensitivity of Technology:

1. This sale will involve the release of sensitive technology to the Kingdom of Saudi Arabia (KSA). The F-15SA weapons system is classified up to Secret. The F-15SA aircraft uses the F-15E airframe and features advanced avionics and other technologically sensitive systems. The F-15SA will contain the General Electric F-110-GE-129 engine, AN/APG-63(v)3 Active Electronically Scanned Array (AESA) radar, internal and external electronic warfare and self-protection equipment, Identification Friend or Foe (IFF) system, operational flight program, and software computer programs.

2. Sensitive and/or classified (up to Secret) elements of the proposed F-15SA include hardware, accessories, components, and associated software: APG-63(v)3 AESA, Digital Electronic Warfare Suite (DEWS), AAR-57(v)2 Missile Warning System (MWS), Non-Cooperative Threat Recognition (NCTR), the AN/AAQ-33 SNIPER targeting system, Joint Helmet Mounted Cueing System (JHMCS), Infrared Search and Track system (IRST), APX-114/119 Identification Friend or Foe (IFF), Multifunctional Information Distribution System (MIDS), ARC-210 or ARC-232 Ultra High Frequency/Very High Frequency (UHF/VHF) and ARC 217 High Frequency secure radios, AN/AVS-9 Night Vision Goggles (NVG), and associated air-to-air and air-to-ground weapons. Additional sensitive areas include operating manuals and maintenance technical orders containing performance information, operating and test procedures, and other information related to support operations and repair. The hardware, software, and data identified are classified to protect vulnerabilities, design and performance parameters and other similar critical information.

3. The AN/APG-63(v)3 Active Electronically Scanned Array (AESA) radar is the latest model of the APG-63 radar. This model contains digital technology, including high processor and transmitter power, sensitive receiver electronics, and Synthetic Aperture Radar (SAR), which creates high resolution radar ground maps. This radar also incorporates NCTR, which is a technology that utilizes measurements taken of an aircraft engine and compares those measurements with a database to aid in identification of that aircraft. Complete hardware is classified Confidential; major components and subsystems are classified Confidential; software is classified Secret; and technical data and documentation are classified up to Secret.

4. The Digital Electronic Warfare Suite (DEWS) provides passive radar warning, wide spectrum RF jamming, and control and management of the entire EW system. It is an internally mounted suite. The commercially developed system software and hardware is Unclassified. The system is classified Secret when loaded with a US derived EW database.

5. The AAR-57(v)2 Missile Warning System utilizes electro-optical sensors to warn the aircrew of threatening missile launch and approach. This system detects and performs data hand-off so countermeasures can be automatically dispensed. The system, hardware components and software, are classified up to Secret.

6. The AN/AAQ-33 SNIPER Targeting System is Unclassified but contains technology representing the latest state-of-the-art in several areas. This pod is a third generation infrared and electro-optical pod capable of full motion video downlink. Information on performance and inherent vulnerabilities is classified Secret. Software (object code) is classified Confidential. Sensitive elements include the forward looking infrared (FLIR) sensors, and ECCM features that increase capability in a jamming environment.

7. The Remote Operation Video Enhanced Receive (ROVER) allows for reception of the full motion video downlink from the SNIPER pod. This system allows personnel on the ground to receive the SNIPER pod generated video and overlays, but not aircraft overlays. This system is Unclassified and has no critical technology.

8. The AN/AAS-42 Infrared Search and Track (IRST) system is a long-wave, high resolution, passive, infrared sensor system that searches and detects heat sources within its field of regard. The AN/AAS-42 is classified Confidential, components and subsystems range from Unclassified to Confidential, and technical data and other documentation are classified up to Secret.

9. The AN/APX-114/119 Identification Friend or Foe combined transponder interrogator system is Unclassified unless Mode 4 operational evaluator parameters, which are Secret, are loaded into the equipment.

10. The Multifunctional Information Distribution System is an advanced Link-16 command, control, communications, and intelligence (C3I) system incorporating high-capacity, jam-resistant, digital communication links for exchange of near real-time tactical information, including both data and voice, among air, ground, and sea elements. The MIDS terminal hardware, publications, performance specifications, operational capability, parameters, vulnerabilities to countermeasures, and software documentation are classified Confidential. The classified information to be provided consists of that which is necessary for the operation, maintenance, and repair (through intermediate level) of the data link terminal, installed systems, and related software.

11. The Joint Helmet Mounted Cueing System (JHMCS) is a modified HGU-55/P helmet that incorporates a visor-projected Heads-Up Display (HUD) to cue weapons and aircraft sensors to air and ground targets. This system projects visual targeting and aircraft performance information on the back of the helmet's visor, enabling the pilot to monitor this information without interrupting his field of view through the cockpit canopy. This provides improvement for close combat targeting and engagement. Hardware is Unclassified.

12. The AN/AVS-9 Night Vision Goggles (NVG) is a 3rd generation aviation NVG offering higher resolution, high gain, and photo response to near infrared. Hardware is Unclassified, and technical data and documentation to be provided are Unclassified.

13. The ARC-210 Ultra High Frequency/Very High Frequency (UHF/VHF), ARC 217 High Frequency, and ARC-232 UHF/VHF secure radios with HAVE QUICK II are voice communications radio systems that can operate in either normal, secure, and/or jam-resistant modes. They can employ cryptographic technology that is classified Secret. Classified elements include operating characteristics, parameters, technical data, and keying material.

14. The AIM-120C Advanced Medium Range Air-to-Air Missile (AMRAAM) is guided missile featuring digital technology and micro-miniature solid-state electronics. AMRAAM capabilities include look-down/shoot-down, multiple launches against multiple targets, resistance to electronic countermeasures, and interception of high- and low-flying and maneuvering targets. The AMRAAM All Up Round (AUR) is classified Confidential, major components and subsystems range from Unclassified to Confidential, and technical data and other documentation are classified up to Secret.

15. The AIM-9X SIDEWINDER missile is an air-to-air guided missile that employs a passive infrared (IR) target acquisition system that features digital technology and micro-miniature solid-state electronics. The AIM-9X AUR is Confidential, major components and subsystems range from Unclassified to Confidential, and technical data and other documentation are classified up to Secret. The AIM-9X tactical and CATM guidance units are subsets of the overall missile and were recently designated as MDE.

16. The AGM-88C HARM is an air-to-ground missile designed to destroy or suppress enemy radars used for air defense. HARM has wide frequency coverage, is target reprogrammable in flight, and has a reprogrammable threat library. Hardware and software for the system is classified Secret and ballistics data is Confidential.

17. The AGM-84L HARPOON Block II missile contains sensitive technology and has the following classified components, including applicable technical and equipment documentation and manuals:

a. Radar seeker
b. Global Positioning System/Inertial Navigation System (GPS/INS)
c. Operational Flight Program (OFP)
d. Missile operational characteristics and performance data

These elements are essential to the ability of the HARPOON missile to selectively engage hostile targets under a wide range of operational, tactical, and environmental conditions.

18. The Joint Direct Attack Munitions (JDAM) is an air-to-ground weapon with a guidance tail kit that converts unguided free-fall bombs into accurate, adverse weather "smart" munitions. The JDAM AUR is Unclassified; technical data for JDAM is classified up to Secret.

19. The GPS/Laser dual mode guided weapon will consist of either the Enhanced PAVEWAY II (EPII) or the Laser JDAM (LJDAM). The EPII adds a GPS guidance capability to the legacy PAVEWAY laser guidance weapons. The LJDAM adds a laser guidance kit in the nose of the JDAM to provide a laser guidance option. Both weapons in an AUR configuration are Unclassified; technical data for both weapons is classified up to Secret.

20. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software, the information could be used to develop countermeasures, which might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

[FR Doc. 2010–28765 Filed 11–15–10; 8:45 am]
BILLING CODE 5001–06–C

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal Nos. 10–58]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. B. English, DSCA/DBO/CFM, (703) 601–3740.

SUPPLEMENTARY INFORMATION: The following is a copy of a letter to the Speaker of the House of Representatives, Transmittals 10–58 with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: November 9, 2010.

Morgan F. Park,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

NOV 0 3 2010

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
Washington, DC 20515

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 10-58, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to the United Arab Emirates for defense articles and services estimated to cost $145 million. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

Richard A. Genaille, Jr.
Deputy Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology
4. Regional Balance (Classified Document Provided under Separate Cover)

Transmittal No. 10-58

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act, as amended

(i) Prospective Purchaser: United Arab Emirates

(ii) Total Estimated Value:

Major Defense Equipment*	$135 million
Other	$ 5 million
TOTAL	$140 million

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase: 100 Army Tactical Missile Systems (ATACMS), 60 Low Cost Reduced-Range Practice Rockets (LCRRPR), publications and technical documentation, training, U.S. government and contractor technical and engineering support, and other related elements of program support.

(iv) Military Department: Army (ZUD, Amd #2)

(v) Prior Related Cases, if any: FMS Case ZUD-$595M-1Aug07

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Annex Attached

(viii) Date Report Delivered to Congress: 3 November 2010

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

United Arab Emirates – Army Tactical Missile Systems (ATACMS) T2K Unitary Missiles/Low Cost Reduced-Range Practice Rockets

The Government of the United Arab Emirates has requested a possible sale of 100 Army Tactical Missile Systems (ATACMS), 60 Low Cost Reduced-Range Practice Rockets (LCRRPR), publications and technical documentation, training, U.S. government and contractor technical and engineering support, and other related elements of program support. The estimated cost is $140 million.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a friendly country which has been, and continues to be, an important force for political stability and economic progress in the Middle East.

The United Arab Emirates intends to use these defense articles and services to modernize its armed forces and expand existing army architecture to counter threats posed by potential attack. This will contribute to the UAE military's goal of updating capability while further enhancing interoperability with the U.S. and other allies.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime contractor will be Lockheed Martin Industries located in Horizon City, Texas and Camden, Arkansas. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require the assignment of up to 10 U.S. government or contractor representatives to travel to the United Arab Emirates for a period of up to one year for equipment de-processing/fielding, system checkout and training.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 10-58

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act

Annex
Item No. vii

(vii) Sensitivity of Technology:

1. The Army Tactical Missile System (ATACMS) is a ground-launched surface-to-surface guided missile system. ATACMS are fired from the M270A1 Multiple Launch Rocket System and the High Mobility Artillery Rocket System launchers. The highest classification level for release of the ATACMS T2K Unitary Missile is Secret. The highest level of classified information that could be disclosed by a sale or by testing of the end item is Secret. The Fire Direction System, Data Processing Unit, and special application software are Secret. The highest level that must be disclosed for production, maintenance, or training is Confidential. The Communications Distribution Unit software is Confidential. The system specifications and limitations are classified Confidential. The vulnerability data, countermeasures, vulnerability/susceptibility analyses, and threat definitions are classified up to Secret.

2. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures which might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

[FR Doc. 2010–28772 Filed 11–15–10; 8:45 am]
BILLING CODE 5001–06–C

DEPARTMENT OF DEFENSE

Office of the Secretary

Revised Non-Foreign Overseas Per Diem Rates

AGENCY: DoD, Per Diem, Travel and Transportation Allowance Committee.

ACTION: Notice of revised non-foreign overseas per diem rates.

SUMMARY: The Per Diem, Travel and Transportation Allowance Committee is publishing Civilian Personnel Per Diem Bulletin Number 271. This bulletin lists revisions in the per diem rates prescribed for U.S. Government employees for official travel in Alaska, Hawaii, Puerto Rico, the Northern Mariana Islands and Possessions of the United States. AEA changes announced in Bulletin Number 194 remain in effect. Bulletin Number 271 is being published in the **Federal Register** to assure that travelers are paid per diem at the most current rates.

DATES: *Effective Date:* November 1, 2010.

SUPPLEMENTARY INFORMATION: This document gives notice of revisions in per diem rates prescribed by the Per Diem Travel and Transportation Allowance Committee for non-foreign areas outside the continental United States. It supersedes Civilian Personnel Per Diem Bulletin Number 270. Distribution of Civilian Personnel Per Diem Bulletins by mail was discontinued. Per Diem Bulletins published periodically in the **Federal Register** now constitute the only notification of revisions in per diem rates to agencies and establishments outside the Department of Defense. For more information or questions about per diem rates, please contact your local travel office. The text of the Bulletin follows: The changes in Civilian Bulletin 271 are updated rates for Puerto Rico.

Dated: October 28, 2010.

Morgan F. Park,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Islands and Possessions of the United States by Federal Government civilian employees.

LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	MEALS AND INCIDENTALS RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
ALASKA						
[OTHER]						
01/01 - 12/31	100		71		171	1/1/2009
ADAK						
01/01 - 12/31	120		79		199	7/1/2003
ANCHORAGE [INCL NAV RES]						
05/01 - 09/15	181		97		278	4/1/2007
09/16 - 04/30	99		89		188	4/1/2007
BARROW						
01/01 - 12/31	159		95		254	10/1/2002
BETHEL						
01/01 - 12/31	139		87		226	1/1/2009
BETTLES						
01/01 - 12/31	135		62		197	10/1/2004
CLEAR AB						
01/01 - 12/31	90		82		172	10/1/2006
COLDFOOT						
01/01 - 12/31	165		70		235	10/1/2006
COPPER CENTER						
05/01 - 09/30	125		84		209	1/1/2009
10/01 - 04/30	95		81		176	1/1/2009
CORDOVA						
01/01 - 12/31	95		77		172	3/1/2010
CRAIG						
04/01 - 09/30	236		84		320	3/1/2010
10/01 - 03/31	151		76		227	3/1/2010
DELTA JUNCTION						
01/01 - 12/31	135		80		215	7/1/2008
DENALI NATIONAL PARK						
06/01 - 08/31	135		80		215	3/1/2010
09/01 - 05/31	90		74		164	3/1/2010

LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	MEALS AND INCIDENTALS RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
DILLINGHAM						
04/15 - 10/15	185		83		268	1/1/2009
10/16 - 04/14	169		82		251	1/1/2009
DUTCH HARBOR-UNALASKA						
01/01 - 12/31	121		86		207	1/1/2009
EARECKSON AIR STATION						
01/01 - 12/31	90		77		167	6/1/2007
EIELSON AFB						
05/01 - 09/15	175		88		263	2/1/2009
09/16 - 04/30	75		79		154	2/1/2009
ELFIN COVE						
01/01 - 12/31	200		45		245	8/1/2010
ELMENDORF AFB						
05/01 - 09/15	181		97		278	4/1/2007
09/16 - 04/30	99		89		188	4/1/2007
FAIRBANKS						
05/01 - 09/15	175		88		263	2/1/2009
09/16 - 04/30	75		79		154	2/1/2009
FOOTLOOSE						
01/01 - 12/31	175		18		193	10/1/2002
FT. GREELY						
01/01 - 12/31	135		80		215	7/1/2008
FT. RICHARDSON						
09/16 - 04/30	99		89		188	4/1/2007
05/01 - 09/15	181		97		278	4/1/2007
FT. WAINWRIGHT						
05/01 - 09/15	175		88		263	2/1/2009
09/16 - 04/30	75		79		154	2/1/2009
GLENNALLEN						
05/01 - 09/30	125		84		209	1/1/2009
10/01 - 04/30	95		81		176	1/1/2009
HAINES						
01/01 - 12/31	109		75		184	1/1/2009
HEALY						

LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	MEALS AND INCIDENTALS RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
09/01 - 05/31	90		74		164	3/1/2010
06/01 - 08/31	135		80		215	3/1/2010
HOMER						
05/15 - 09/15	167		85		252	1/1/2009
09/16 - 05/14	79		78		157	1/1/2009
JUNEAU						
05/01 - 09/30	149		85		234	1/1/2009
10/01 - 04/30	109		80		189	1/1/2009
KAKTOVIK						
01/01 - 12/31	165		86		251	10/1/2002
KAVIK CAMP						
01/01 - 12/31	150		69		219	10/1/2002
KENAI-SOLDOTNA						
05/01 - 08/31	159		90		249	3/1/2010
09/01 - 04/30	79		82		161	3/1/2010
KENNICOTT						
01/01 - 12/31	259		94		353	1/1/2009
KETCHIKAN						
05/01 - 09/30	140		67		207	3/1/2010
10/01 - 04/30	99		63		162	3/1/2010
KING SALMON						
05/01 - 10/01	225		91		316	10/1/2002
10/02 - 04/30	125		81		206	10/1/2002
KLAWOCK						
10/01 - 03/31	151		76		227	3/1/2010
04/01 - 09/30	236		84		320	3/1/2010
KODIAK						
10/01 - 04/30	99		76		175	3/1/2010
05/01 - 09/30	141		80		221	3/1/2010
KOTZEBUE						
01/01 - 12/31	189		93		282	3/1/2010
KULIS AGS						
05/01 - 09/15	181		97		278	4/1/2007
09/16 - 04/30	99		89		188	4/1/2007

LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	MEALS AND INCIDENTALS RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
MCCARTHY						
01/01 - 12/31	259		94		353	1/1/2009
MCGRATH						
01/01 - 12/31	165		69		234	10/1/2006
MURPHY DOME						
09/16 - 04/30	75		79		154	2/1/2009
05/01 - 09/15	175		88		263	2/1/2009
NOME						
01/01 - 12/31	150		97		247	3/1/2010
NUIQSUT						
01/01 - 12/31	180		53		233	10/1/2002
PETERSBURG						
01/01 - 12/31	100		71		171	7/1/2008
PORT ALEXANDER						
01/01 - 12/31	150		43		193	8/1/2010
PORT ALSWORTH						
01/01 - 12/31	135		88		223	10/1/2002
SELDOVIA						
05/15 - 09/15	167		85		252	1/1/2009
09/16 - 05/14	79		78		157	1/1/2009
SEWARD						
10/01 - 04/30	99		81		180	3/1/2010
05/01 - 09/30	174		89		263	3/1/2010
SITKA-MT. EDGECUMBE						
10/01 - 04/30	99		73		172	3/1/2010
05/01 - 09/30	119		75		194	3/1/2010
SKAGWAY						
05/01 - 09/30	140		67		207	3/1/2010
10/01 - 04/30	99		63		162	3/1/2010
SLANA						
05/01 - 09/30	139		55		194	2/1/2005
10/01 - 04/30	99		55		154	2/1/2005
SPRUCE CAPE						
05/01 - 09/30	141		80		221	3/1/2010

LOCALITY		MAXIMUM LODGING AMOUNT (A)	+	MEALS AND INCIDENTALS RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
10/01 - 04/30		99		76		175	3/1/2010
ST. GEORGE							
01/01 - 12/31		129		55		184	6/1/2004
TALKEETNA							
01/01 - 12/31		100		89		189	10/1/2002
TANANA							
01/01 - 12/31		150		97		247	3/1/2010
TOK							
05/01 - 09/30		129		76		205	3/1/2010
10/01 - 04/30		99		73		172	3/1/2010
UMIAT							
01/01 - 12/31		350		35		385	10/1/2006
VALDEZ							
05/01 - 09/30		179		91		270	3/1/2010
10/01 - 04/30		119		85		204	3/1/2010
WASILLA							
10/01 - 04/30		96		83		179	1/1/2009
05/01 - 09/30		151		89		240	1/1/2009
WRANGELL							
05/01 - 09/30		140		67		207	3/1/2010
10/01 - 04/30		99		63		162	3/1/2010
YAKUTAT							
01/01 - 12/31		105		76		181	1/1/2009
AMERICAN SAMOA							
AMERICAN SAMOA							
01/01 - 12/31		139		75		214	8/1/2009
GUAM							
GUAM (INCL ALL MIL INSTAL)							
01/01 - 12/31		159		94		253	7/1/2010
HAWAII							
[OTHER]							
01/01 - 12/31		121		104		225	5/1/2010
CAMP H M SMITH							
01/01 - 12/31		177		106		283	5/1/2008

LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	MEALS AND INCIDENTALS RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
EASTPAC NAVAL COMP TELE AREA						
01/01 - 12/31	177		106		283	5/1/2008
FT. DERUSSEY						
01/01 - 12/31	177		106		283	5/1/2008
FT. SHAFTER						
01/01 - 12/31	177		106		283	5/1/2008
HICKAM AFB						
01/01 - 12/31	177		106		283	5/1/2008
HONOLULU						
01/01 - 12/31	177		106		283	5/1/2008
ISLE OF HAWAII: HILO						
01/01 - 12/31	121		104		225	5/1/2010
ISLE OF HAWAII: OTHER						
01/01 - 12/31	180		108		288	5/1/2009
ISLE OF KAUAI						
01/01 - 12/31	198		115		313	5/1/2009
ISLE OF MAUI						
01/01 - 12/31	169		104		273	5/1/2009
ISLE OF OAHU						
01/01 - 12/31	177		106		283	5/1/2008
KEKAHA PACIFIC MISSILE RANGE FAC						
01/01 - 12/31	198		115		313	5/1/2009
KILAUEA MILITARY CAMP						
01/01 - 12/31	121		104		225	5/1/2010
LANAI						
01/01 - 12/31	229		124		353	5/1/2009
LUALUALEI NAVAL MAGAZINE						
01/01 - 12/31	177		106		283	5/1/2008
MCB HAWAII						
01/01 - 12/31	177		106		283	5/1/2008
MOLOKAI						
01/01 - 12/31	135		91		226	5/1/2010
NAS BARBERS POINT						

LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	MEALS AND INCIDENTALS RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
01/01 - 12/31	177		106		283	5/1/2008
PEARL HARBOR						
01/01 - 12/31	177		106		283	5/1/2008
SCHOFIELD BARRACKS						
01/01 - 12/31	177		106		283	5/1/2008
WHEELER ARMY AIRFIELD						
01/01 - 12/31	177		106		283	5/1/2008
MIDWAY ISLANDS						
MIDWAY ISLANDS						
01/01 - 12/31	125		49		174	5/1/2010
NORTHERN MARIANA ISLANDS						
[OTHER]						
01/01 - 12/31	55		72		127	10/1/2002
ROTA						
01/01 - 12/31	129		102		231	7/1/2010
SAIPAN						
01/01 - 12/31	121		98		219	6/1/2007
TINIAN						
01/01 - 12/31	85		71		156	7/1/2010
PUERTO RICO						
[OTHER]						
01/01 - 12/31	62		57		119	10/1/2002
AGUADILLA						
01/01 - 12/31	124		113		237	9/1/2010
BAYAMON						
01/01 - 12/31	195		128		323	9/1/2010
CAROLINA						
01/01 - 12/31	195		128		323	9/1/2010
CEIBA						
01/01 - 12/31	210		141		351	11/1/2010
FAJARDO [INCL ROOSEVELT RDS NAVSTAT]						
01/01 - 12/31	210		141		351	11/1/2010
FT. BUCHANAN [INCL GSA SVC CTR, GUAYNABO]						

LOCALITY		MAXIMUM LODGING AMOUNT (A)	+	MEALS AND INCIDENTALS RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
	01/01 - 12/31	195		128		323	9/1/2010
HUMACAO							
	01/01 - 12/31	210		141		351	11/1/2010
LUIS MUNOZ MARIN IAP AGS							
	01/01 - 12/31	195		128		323	9/1/2010
LUQUILLO							
	01/01 - 12/31	210		141		351	11/1/2010
MAYAGUEZ							
	01/01 - 12/31	109		112		221	9/1/2010
PONCE							
	01/01 - 12/31	149		87		236	9/1/2010
SABANA SECA [INCL ALL MILITARY]							
	01/01 - 12/31	195		128		323	9/1/2010
SAN JUAN & NAV RES STA							
	01/01 - 12/31	195		128		323	9/1/2010
VIRGIN ISLANDS (U.S.)							
ST. CROIX							
	04/15 - 12/14	135		92		227	5/1/2006
	12/15 - 04/14	187		97		284	5/1/2006
ST. JOHN							
	04/15 - 12/14	163		98		261	5/1/2006
	12/15 - 04/14	220		104		324	5/1/2006
ST. THOMAS							
	04/15 - 12/14	240		105		345	5/1/2006
	12/15 - 04/14	299		111		410	5/1/2006
WAKE ISLAND							
WAKE ISLAND							
	01/01 - 12/31	152		16		168	5/1/2009

[FR Doc. 2010–28773 Filed 11–15–10; 8:45 am]
BILLING CODE 5001–06–C

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Notice of Intent to Prepare a Draft Environmental Impact Statement (EIS), Initiate the Public Scoping Period and Host Public Scoping Meetings for the Great Lakes and Mississippi River Interbasin Study ("GLMRIS")

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of Intent.

SUMMARY: The Chicago District, U.S. Army Corps of Engineers (USACE) announces its intent to (1) prepare a Draft EIS, (2) accept public comments and (3) host a public scoping meeting in Chicago for GLMRIS.

In collaboration with other Federal, State, and local agencies as well as non-governmental entities, USACE is conducting a feasibility study of the options and technologies that could be applied to prevent or reduce the risk of

aquatic nuisance species (ANS) transfer between the Great Lakes and Mississippi River basins through aquatic pathways.

DATES: The NEPA scoping period ends on February 28, 2011. The first NEPA Public Scoping meeting for GLMRIS is scheduled for December 15, 2010 in Chicago, Illinois. Please refer to the "Scoping and Public Involvement" section below for information regarding the public scoping meeting and for instructions on how to submit public comments.

FOR FURTHER INFORMATION CONTACT: For further information and/or questions about GLMRIS, please contact USACE, Chicago District, Project Manager, Mr. David Wethington, *by mail:* USACE, Chicago District, 111 N. Canal, Suite 600, Chicago, IL 60606–7206, or by *e-mail: david.m.wethington@usace.army.mil.*

For media inquiries, please contact the USACE, Chicago District, Public Affairs Officer, Ms. Lynne Whelan, *by mail:* USACE, Chicago District, 111 N. Canal, Suite 600, Chicago, IL 60606–7206, *by phone:* 312.846.5330 or *by e-mail: lynne.e.whelan@usace.army.mil.*

SUPPLEMENTARY INFORMATION:

1. *Background.* An aquatic nuisance species (ANS) is a nonindigenous species that threatens the diversity or abundance of native species or the ecological stability of infested waters, or commercial, agricultural, aquacultural or recreational activities dependent on such waters. *See* 16 U.S.C. 4702(1) (2010).

As a result of international commerce, travel and local practices, ANS have been introduced throughout the Mississippi River and Great Lakes Basins. These two basins are connected by man-made channels that, in the past, exhibited poor water quality, which was an impediment to the transfer of organisms between the basins. Now that water quality has improved, these canals allow the transfer of both indigenous and nonindigenous invasive species.

In collaboration with other Federal and State agencies, local governments and non-governmental organizations, USACE is conducting this feasibility study. For GLMRIS, USACE will explore options and technologies, collectively known as ANS controls, that could be applied to prevent or reduce the risk of ANS transfer between the basins through aquatic pathways. Potential ANS controls may include, but are not limited to, hydrologic separation of the basins, waterway modifications, selective barriers, *etc.*

USACE will conduct a comprehensive analysis of ANS controls and will analyze the effects an ANS control or combination of ANS controls may have on current uses of: (1) The Chicago Area Waterway System (CAWS), the only known continuous aquatic pathway between the Great Lakes and Mississippi River Basins; and (2) other aquatic pathways between these basins. For the CAWS, current waterway uses include, but are not limited to: Flood risk management; commercial and recreational navigation; recreation; water supply; hydropower; and conveyance of effluent from wastewater treatment plants and other industries. Additionally, this study will identify mitigation measures or alternative facilities necessary to offset and address impacted waterway uses and current significant natural resources.

GLMRIS will be conducted in accordance with NEPA and with the *Economic and Environmental Principles and Guidelines for Water and Related Land Resource Implementation Studies,* Water Resources Council, March 10, 1983.

2. *Scoping and Public Involvement.* USACE will accept comments related to GLMRIS until February 28, 2011. Note, USACE will only consider comments that disclose the first name, last name and zip code of the commenter.

All forms of comments received during the scoping period will be weighted equally. Using input obtained during the scoping period, USACE will refine the scope of GLMRIS to focus on significant issues, as well as eliminate issues that are not significant from further detailed study.

Comments may be submitted in the following ways:

- *GLMRIS project Web site:* Use the web comment function found at *http://glmris.anl.gov;*
- *NEPA Scoping Meeting:* USACE is hosting scoping meetings and asks those who want to make oral comments to register on the GLMRIS project Web site at *http://glmris.anl.gov.* Each individual wishing to make oral comments shall be given three (3) minutes, and a stenographer will document oral comments;
- *Mail:* Mail written comments to GLMRIS Scoping, 111 N. Canal, Suite 600, Chicago, IL 60611–3416. Comments must be postmarked by February 28, 2011; and
- *Hand Delivery:* Comments may be hand delivered to the Chicago District, USACE office located at 111 N. Canal, Suite 600, Chicago, IL 60611–3416 between 8 a.m.and 4:30 p.m. Comments must be received by February 28, 2011.

At the scoping meetings, USACE will provide informational materials about the study's authorities and USACE study process. The meetings will begin with a brief presentation regarding the study followed by an oral comment period. During the meeting, USACE will also collect written comments on comment cards and computer terminals.

The first public scoping meeting is scheduled from 12 p.m. to 7 p.m. on Wednesday, December 15, 2011 at the Gleacher Center, located at 450 North Cityfront Plaza Drive, Chicago, IL 60611. *Please see* the GLMRIS project Web site at *http://glmris.anl.gov* for more information regarding the meeting and if you wish to make an oral comment.

USACE is scheduling additional scoping meetings in other cities. Specific locations and dates of these meetings will be announced in a subsequent **Federal Register** notice, the GLMRIS project Web site, electronic media and news releases. For more information on NEPA scoping and study information, please visit the GLMRIS project Web site at *http://glmris.anl.gov.*

Comments received during the scoping period will be posted on the GLMRIS project Web site and will become a part of the EIS. You may indicate that you do not wish to have your name or other personal information made available on the Web site. However, USACE cannot guarantee that information withheld from the Web site will be maintained as confidential. Requests for disclosure of collected information will be handled through the Freedom of Information Act. Comments and information, including the identity of the submitter, may be disclosed, reproduced, and distributed. Submissions should not include any information that the submitter seeks to preserve as confidential.

If you require assistance under the Americans with Disabilities Act, please contact Ms. Lynne Whelan via e-mail at *lynne.e.whelan@usace.army.mil* or phone at (312) 846–5330 at least seven (7) working days prior to the meeting to request arrangements.

3. *Significant Issues.* Issues associated with the proposed study are likely to include, but will not be limited to: Significant natural resources such as ecosystems and threatened and endangered species, commercial and recreational fisheries; current recreational uses of the lakes and waterways; ANS effects on water users; effects of potential ANS controls on current waterway uses such as flood risk management, commercial and recreational navigation, recreation, water supply, hydropower and conveyance of effluent from wastewater

treatment plants and other industries; and statutory and legal responsibilities relative to the lakes and waterways.

4. *Availability of the Draft Environmental Impact Statement.* Availability of the Draft EIS is contingent upon sufficient allocation of funding for the study. Draft EIS availability will be announced to the public in the **Federal Register** in compliance with 40 CFR 1506.9 and 1506.10.

5. *Authority.* This action is being undertaken pursuant to the Water Resources and Development Act of 2007, Section 3061, Public Law 110–114, 121 STAT. 1121, and the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, *et seq.,* as amended.

Dated: November 8, 2010.

Susanne J. Davis,

Chief Planning Branch, Chicago District, Corps of Engineers.

[FR Doc. 2010–28824 Filed 11–15–10; 8:45 am]

BILLING CODE P

DEPARTMENT OF DEFENSE

Department of the Air Force

Notice is Given of the Names of Members of a Performance Review Board for the Department of the Air Force

AGENCY: Department of the Air Force.

ACTION: Notice.

SUMMARY: Notice is given of the names of members of a Performance Review Board for the Department of the Air Force.

DATES: *Effective Date:* November 12, 2010.

SUPPLEMENTARY INFORMATION: Section 4314(c) (1) through (5) of Title 5, U.S.C., requires each agency to establish, in accordance with regulations, one or more Senior Executive Service performance review boards. The board(s) shall review and evaluate the initial appraisal of senior executive's performance by supervisors and make recommendations to the appointing authority or rating official relative to the performance of these executives.

The members of the 2010 Performance Review Board for the U.S. Air Force are:

1. Board President—Gen Hoffman, Commander, Air Force Materiel Command;

2. Lt Gen Atkins—Commander, 11 AF and Alaskan Command, PACOM;

3. Lt Gen Reno—Air Force Deputy Chief of Staff for Logistics, Installations and Mission Support;

4. Mr. Beyland, Assistant Deputy Chief of Staff for Manpower and Personnel;

5. Mrs. Westgate, Assistant Deputy Chief of Staff for Strategic Plans and Programs;

6. Mr. Williams, Director, Defense Contract Management Agency;

7. Mr. Tillotson, Deputy Chief Management Officer, Office of the Secretary of the Air Force;

8. Ms. Earle, Assistant Deputy Chief of Staff for Manpower and Personnel;

9. Mr. Schneider, Department of the Army, G1;

10. Ms. Gerton, Executive Deputy to the Commanding General, Army Materiel Command;

11. Mr. Murphy, Director, Intelligence Development;

12. Mr. Sciabica, Executive Director, Air Force Research Laboratory;

13. Ms. Puckett, Director, Installations and Logistics; and

14. Ms. Sisson, Director, Resources and Analysis;

Additionally, all career status Air Force Tier 3 SES members not included in the above list are eligible to serve on the 2010 Performance Review Board and are hereby nominated for inclusion on an ad hoc basis in the event of absence(s).

FOR FURTHER INFORMATION CONTACT: Please direct any written comments or requests for information to Ms. Pereuna Johnson, Chief, Sustainment Division, Senior Executive Management, AF/DPSS, 1040 Air Force Pentagon, Washington DC 20330–1040 (PH: 703–695–7677; or via e-mail at *pereuna.johnson@pentagon.af.mil.*)

Bao-Anh Trinh,

Air Force Federal Register Liaison Officer.

[FR Doc. 2010–28792 Filed 11–15–10; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Comment Request.

SUMMARY: The Department of Education (the Department), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the reporting burden on the public and helps the public understand the Department's information collection requirements and provide the requested data in the desired format. The Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before January 18, 2011.

ADDRESSES: Comments regarding burden and/or the collection activity requirements should be electronically mailed to *ICDocketMrg@ed.gov* or mailed to U.S. Department of Education, 400 Maryland Avenue, SW., LBJ, Washington, DC 20202–4537. Please note that written comments received in response to this notice will be considered public records.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that Federal agencies provide interested parties an early opportunity to comment on information collection requests. The Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management, publishes this notice containing proposed information collection requests at the beginning of the Departmental review of the information collection. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: November 10, 2010.

Darrin A. King,

Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management.

Office of Innovation and Improvement

Type of Review: New.

Title of Collection: National Charter School Resource Center Authorizer Survey.

OMB Control Number: Pending.

Agency Form Number(s): N/A.

Frequency of Responses: On occasion.

Affected Public: Not-for-profit institutions.

Total Estimated Number of Annual Responses: 900.

Total Estimated Number of Annual Burden Hours: 2,025.

Abstract: The U.S. Department of Education has as one of its important policy goals expanding the number of high-quality public school choice options. Specifically, according to Part B section 5201 of the Elementary and Secondary Education Act, two of the established purposes of the Charter School Program office are: Evaluating the effects of charter schools, including the effects on students, student academic achievement, staff and parents; and expanding the number of high-quality charter schools available to students across the nation.

Charter school authorization is the center of efforts to expand and ensure high-quality public school choice options through public charter schools. Charter school authorizers are the public entities primarily responsible for: Initial charter authorizations, on-going monitoring and oversight, and charter renewal and closure decisions. Currently there is not a comprehensive, fully-populated tool for tracking the activities of and evaluating the quality of authorizers nationwide based on their authorizing decisions in light of schools' performance.

The charter authorizer survey will be the key tool by which the National Charter School Resource Center collects the following data elements from the nation's charter school authorizers: Authorizing agency; authorizing agency type (*e.g.,* school district, State Educational Agency, independent authorizer), basic school information, year the school opened, past renewal decision(s), reasons for nonrenewal (if applicable), year closed (if applicable), reason for closure (if applicable), and the next renewal decision year. The charter school authorizer survey will be administered once annually, in the spring. Respondents will be able to complete and return the survey in paper form or electronically, by visiting a link stated on the paper form.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* by selecting the "Browse Pending Collections" link and by clicking on link number 4445. When you access the information collection, click on "Download Attachments" to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., LBJ, Washington, DC 20202–4537. Requests may also be electronically mailed to *ICDocketMgr@ed.gov* or faxed to 202–401–0920. Please specify the complete title of the information collection and OMB Control Number when making your request.

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 2010–28867 Filed 11–15–10; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Striving Readers Comprehensive Literacy Program

AGENCY: Office of Elementary and Secondary Education, U.S. Department of Education.

ACTION: Notice of public meeting and request for input to gather technical expertise pertaining to the U.S.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.371C.

Department of Education's (Department) development of a State competition for funding under the Striving Readers Comprehensive Literacy program.

SUMMARY: By February 2011, the Secretary of Education (Secretary) intends to announce a competition for State educational agency (SEA) projects to support comprehensive literacy development and to advance literacy skills, including pre-literacy skills, reading, and writing, for students from birth through grade 12, including limited-English-proficient students and students with disabilities. To inform the development of a notice inviting applications that establishes the requirements for this competition, the Secretary is seeking input from States, technical experts, and members of the public through a public meeting and written submissions. Following the public meeting and review of the written submissions, the Department will publish a notice inviting applications for this competition.

DATES: The public meeting will occur on Friday, November 19, 2010, in Washington, DC, at the Department's Potomac Center Plaza (PCP) Auditorium, 550 12th Street, SW.; from 9:00 a.m. to 12:00 p.m. and from 1:00 p.m. to 4:00 p.m., Washington, DC time. Written submissions must be received by the Department on or before 5:00 p.m., Washington, DC time, on November 19, 2010.

ADDRESSES: For those submitting written input, we encourage submissions by e-mail using the following address: *Striving.readers.comprehensive.literacy@ed.gov.* You must include the term "Striving Readers Public Input" in the subject line of your e-mail. If you prefer to send your input by mail, address it to Office of Elementary and Secondary Education, Attention: Striving Readers Public Input Meeting, U.S. Department of Education, 400 Maryland Avenue, SW., room 3E230, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: Deborah Spitz, U.S. Department of Education, 400 Maryland Avenue, SW., room 3E230, Washington, DC 20202. Telephone: 202–260–3793 or by e-mail: *Striving.readers.comprehensive.literacy@ed.gov.*

If you use a telecommunications device for the deaf (TDD), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Background: The Striving Readers program is authorized as part of the Consolidated Appropriations Act, 2010 (Pub. L. 111–117) (the Act) under the demonstration authority in Title I, part E, section 1502 of the Elementary and Secondary Education Act of 1965, as amended (ESEA). $200 million in funds is available in fiscal year 2010 under section 1502 of the ESEA for a comprehensive literacy development and education program to advance literacy skills, including pre-literacy skills, reading, and writing, for students from birth through grade 12, including limited-English-proficient students and students with disabilities. To clearly distinguish this program from the Striving Readers program funded from FY 2005 to FY 2009, which focused on adolescent literacy, the Department is referring to the program created pursuant to the FY 2010 appropriation as the "Striving Readers Comprehensive Literacy" program.

The Act reserves $10 million for formula grants to States to create or maintain a State Literacy Team with expertise in literacy development and education for children from birth through grade 12 and to assist States in developing a comprehensive literacy plan. One-half of one percent of these funds is reserved for the Secretary of the Interior for a comprehensive literacy program for schools funded by the Bureau of Indian Education and one-half of one percent is reserved for such programs for grants to the outlying areas.

After reserving up to 5 percent of the total appropriation for national activities, the Department must use the remaining funds for competitive awards to SEAs. SEAs may use up to five percent for State leadership activities and must award not less than 95 percent

through subgrants to local educational agencies (LEAs) or, in the case of early literacy, to LEAs or other nonprofit providers of early childhood education that partner with a public or private nonprofit organization or agency with a demonstrated record of effectiveness in improving the early literacy development of children from birth through kindergarten entry and in providing professional development in early literacy, giving priority to such agencies or other entities serving greater numbers or percentages of disadvantaged children.

The Act requires that the subgrants to LEAs be allocated as follows: (1) At least 15 percent to serve children from birth through age five, (2) 40 percent to serve students in kindergarten through grade five, and (3) 40 percent to serve students in middle and high school, through grade 12, including an equitable distribution of funds between middle and high schools. Eligible entities receiving subgrants must use these funds for services and activities that have the characteristics of effective literacy instruction through professional development, screening and assessment, targeted interventions for students reading below grade level, and other research-based methods of improving classroom instruction and practice.

The Department wishes to solicit input, including written input, from literacy experts, literacy organizations, States, other key stakeholders, and members of the public to inform the design and development of this new competition for SEAs.

Because we are inviting public input in this manner, and because we want to facilitate the award of funds in a timely manner, we do not intend to conduct notice-and-comment rulemaking. Section 437(d)(1) of the General Education Provisions Act, 20 U.S.C. 1232(d)(1), allows the Department to waive notice-and-comment rulemaking for the first grant competition under a new or substantially revised program authority. This will be the first competition for the Striving Readers Comprehensive Literacy program.

Details of Public Meeting

Structure of Public Meeting

The Department anticipates that the meeting will have two components as follows:

(1) Input from invited panels of experts and stakeholders.

○ The morning and afternoon sessions of the meeting will each have an invited set of panelists who will have a set amount of time to respond individually to the questions in this notice.

○ The Department representatives will then ask questions of individual panelists and facilitate cross-panelist discussion.

(2) Open opportunity to share input.

○ The morning and afternoon sessions of the meeting will each have 60 to 90 minutes dedicated to opportunities for interested members of the public, who have registered to speak, to respond to the questions in this notice.

○ Each individual scheduled to speak will have five minutes to provide oral input.

○ Written submissions will also be accepted as described in the SUBMISSION OF WRITTEN INPUT section.

The Department will share any updates, including posting an agenda and list of invited experts, online at *http://www2.ed.gov/programs/strivingreaders-literacy/index.html.*

Topic Areas, Dates, Times, Locations, and Registration Information

Topic Areas: The morning session of the meeting will address the topics of Transition and Alignment; Professional Development, Instruction, and Assessment; and Evidence and Evaluation. The afternoon session of the meeting will address the topics of SEA and LEA Capacity and Support; and Meeting the Needs of Diverse Learners. Specific questions relating to these topics are provided in the *Questions for Input* section of this notice. The Department reserves the right to change the order of these topics; please check the program Web site at *http://www2.ed.gov/programs/strivingreaders-literacy/index.html* for the latest information.

Attendance at the meeting: If you are interested in attending the meeting, you should register by sending an e-mail to *Striving.readers.comprehensive.literacy@ed.gov* with your name, organization, and the session you are interested in attending (morning or afternoon) at least three days before the scheduled meeting date. Registration is not required for attendance but will help us to plan the meeting and to facilitate the security process.

Providing input at the meeting: If you are interested in speaking during the open-input portion of the meeting, you must register by sending an e-mail to *Striving.readers.comprehensive.literacy@ed.gov* at least three days before the scheduled meeting date. Registrations will be processed on a first-come, first-served basis. People who are unable to attend a meeting in person or who do not register early enough to speak during the meeting are encouraged to submit written input.

Assistance to Individuals with Disabilities at the Public Meetings

The meeting site will be accessible to individuals with disabilities and sign language interpreters will be available. If you need an auxiliary aid or service other than a sign language interpreter to participate in the meeting (*e.g.,* interpreting service such as oral, cued speech, or tactile interpreter; assisted listening device; or materials in alternate format), notify the contact person listed under **FOR FURTHER INFORMATION CONTACT** as soon as possible before the scheduled meeting date. Although we will attempt to meet every request we receive, we might not be able to make available the requested auxiliary aid or service because of insufficient time to arrange it.

Submission of Written Input

All interested parties, including those who cannot attend a meeting or from whom we do not have time to hear at the meeting, may submit written input in response to this notice.

Written input will be accepted at the meeting site or via e-mail and mail at the addresses listed in the **ADDRESSES** section of this notice. Written input must be submitted by the date listed in the **DATES** section.

When submitting input at the meeting, we request that you submit three written copies and an electronic file (CD or diskette) of your statement at the meeting. Please include your name and contact information on the written and electronic files.

Both at the meeting and in your written submission, we encourage you to be as specific as possible. To ensure that your input is fully considered, we urge you to identify clearly the specific question, purpose, and characteristic that each of your suggestions addresses and to arrange your submission in the order of the questions listed later in this notice.

Sharing Input Publicly

The Department is committed to gathering and sharing publicly the input from the meeting and written submissions. The meeting will be video-taped and/or transcribed, and the video and/or transcript will be available for viewing at *http://www2.ed.gov/programs/strivingreaders-literacy/index.html.* All written input received will also be available for viewing via this Web site.

Questions for Input

In the following paragraphs, we have listed the specific questions on which we seek input. These relate to both SEA and subgrantee uses of funds.

All input, including expert presentations and discussions, public input, and written submissions, should focus primarily on responding to these questions. We encourage you to make your input as specific as possible, to provide evidence to support your proposals, and to present the information in a context and format that will be helpful to the Department in developing the Striving Readers Comprehensive Literacy program competition and to States implementing comprehensive literacy plans and making high-quality literacy subgrant awards.

To ensure that your input is fully considered in the development of the notice inviting applications, we urge you to identify clearly the specific question, purpose, or characteristic that you are addressing, and to arrange your input in the order of the questions as they are listed in the next section.

SEA and LEA Capacity and Support

(1) What should States be considering in their State Literacy Plans to ensure effective literacy and language development and instruction? For example, what are core components of a State Literacy Plan? What roles and capacities should States have or develop in order to effectively support subgrantees in carrying out substantial improvements in literacy and language development, teaching, and learning?

(2) How can this program most effectively support States' and LEAs' transition to new internationally-benchmarked college- and career-ready standards held in common by multiple States, as well as their alignment with State early learning standards?

(3) How can SEAs and subgrantees best leverage the use of funds under the ESEA, the Individuals with Disabilities Education Act, and the Perkins Career and Technical Education Act, as well as other Federal, State, and local funds, for effective literacy development and instruction?

(4) What other key factors should a State consider in regards to how it would structure and administer its subgrant competition?

Transition and Alignment Across Birth Through Grade 12

(1) How should States and LEAs assess the needs of children from birth through grade 12 in order to effectively target the funds to appropriately support literacy and language development?

(2) How can subgrantees ensure that the needs of children from birth through age five will be met under this program? How should subgrantees create effective partnerships with relevant organizations, including the State Advisory Council on Early Childhood Education and Care in their State?

(3) How can subgrantees ensure that the needs of adolescent learners will be met under this program? Specifically, how can subgrantees ensure that schools integrate effective literacy development and instruction into core subject areas and increase motivation and interest in reading and writing?

Meeting the Needs of Diverse Learners

(1) How can a State best ensure that its comprehensive literacy plan will effectively address the needs of economically disadvantaged children and youth, limited-English-proficient children and youth, and children and youth with disabilities?

(2) How can a State ensure that subgrantees will effectively address the needs of economically disadvantaged children and youth, limited-English-proficient children and youth, and children and youth with disabilities?

(3) What should subgrantees consider when addressing the needs of their diverse learners across the age spans?

Professional Development, Instruction, and Assessment

(1) What are the essential components of high-quality literacy-related professional development? What aspects, if any, should be considered essential in a successful subgrant proposal?

(2) In what ways can technology and materials conforming to principles of universal design for learning (UDL) support effective literacy development and instruction for limited-English-proficient children and youth and children and youth with disabilities? What aspects of technology and UDL should be considered for incorporation in subgrant proposals?

(3) What are the critical elements of an integrated, age-appropriate assessment system for identifying the strengths and weaknesses of children and youth and improving literacy development and instruction?

(4) What are the most important ways to collect, analyze, and use data to improve literacy development and instructional practices and child and youth outcomes in early learning settings and in schools?

Evidence and Evaluation

(1) In order to have a rigorous competition and make high-quality subgrant awards, what evidence should States require subgrantees to put forward in their applications? How can early learning providers demonstrate a "record of effectiveness," as required in the Act?

(2) What approaches should States and subgrantees implement in order to effectively monitor program implementation and outcomes so as to inform continuous program improvement?

(3) What strategies should States and subgrantees implement in order to monitor and evaluate the effectiveness of job-embedded, ongoing professional development for teachers, coaches, principals, and administrators?

(4) What should the Department require regarding rigorous, independent State evaluations of the program, given limited State-level administrative funds?

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (*e.g.,* braille, large print, audiotape, or computer diskette) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: You can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/news/fedregister.*

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/nara/index.html.*

Program Authority: Consolidated Appropriations Act, 2010, Pub. L. 111–117.

Dated: November 10, 2010.

Thelma Meléndez de Santa Ana,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 2010–28779 Filed 11–15–10; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Privacy Act of 1974; Computer Matching Program

AGENCY: Department of Education.

ACTION: Notice—Computer matching between the Department of Education and the Department of Justice.

SUMMARY: Section 421(a)(1) of the Controlled Substances Act (21 U.S.C. 862(a)(1)) includes provisions regarding the judicial denial of Federal benefits. Section 421 of the Controlled Substances Act, which was originally enacted as section 5301 of the Anti-Drug Abuse Act of 1988, and which was amended and redesignated as section 421 of the Controlled Substances Act by section 1002(d) of the Crime Control Act of 1990, Public Law 101–647 (hereinafter referred to as "section 5301"), authorizes Federal and State judges to deny certain Federal benefits (including student financial assistance under Title IV of the Higher Education Act of 1965, as amended (HEA)) to individuals convicted of drug trafficking or possession of a controlled substance.

In order to ensure that Title IV, HEA student financial assistance is not awarded to individuals subject to denial of benefits under court orders issued pursuant to section 5301, the Department of Justice and the Department of Education implemented a computer matching program. The 18-month computer matching agreement (CMA) was recertified for an additional 12 months on December 19, 2009. The 12-month recertification of the CMA will automatically expire on December 17, 2010.

The Department of Education must continue to obtain from the Department of Justice identifying information regarding individuals who are the subject of section 5301 denial of benefits court orders for the purpose of ensuring that Title IV, HEA student financial assistance is not awarded to individuals subject to denial of benefits under court orders issued pursuant to the Denial of Federal Benefits Program. The purpose of this notice is to announce the continued operation of the computer matching program and to provide certain required information concerning the computer matching program.

In accordance with the Privacy Act of 1974 (5 U.S.C. 552a), as amended by the Computer Matching and Privacy Protection Act of 1988 (Pub. L. 100–503) and Office of Management and Budget (OMB) Guidelines on the Conduct of Matching Programs (54 FR 25818, June 19, 1989), and OMB Circular A–130, the following information is provided:

1. *Names of Participating Agencies.*

The Department of Education (ED) (recipient agency) and the Department of Justice (DOJ) (source agency).

2. *Purpose of the Match.*

The purpose of this matching program is to ensure that the requirements of section 421 of the Controlled Substances Act (originally enacted as section 5301 of the Anti-Drug Abuse Act of 1988, Pub. L. 100–690, 21 U.S.C. 853a, which was amended and redesignated as section 421 of the Controlled Substances Act by section 1002(d) of the Crime Control Act of 1990, Pub. L. 101–647) (hereinafter referred to as "section 5301"), are met.

DOJ is the lead contact agency for information related to section 5301 violations and, as such, provides this data to ED. ED (recipient agency) seeks access to the information contained in the DOJ (source agency) Denial of Federal Benefits Clearinghouse System (DEBARS) database that is authorized under section 5301 for the purpose of ensuring that Title IV, HEA student financial assistance is not awarded to individuals subject to denial of benefits under court orders issued pursuant to the Denial of Federal Benefits Program.

3. *Authority for Conducting the Matching Program.*

Under section 5301, ED must deny Federal benefits to any individual upon whom a Federal or State court order has imposed a penalty denying eligibility for those benefits. Student financial assistance under Title IV of the HEA is a Federal benefit under section 5301, and ED must, in order to meet its obligations under the HEA, have access to information about individuals who have been declared ineligible under section 5301.

While DOJ provides information about section 5301 individuals who are ineligible for Federal benefits to the General Services Administration (GSA) for inclusion in GSA's List of Parties Excluded from Federal Procurements and Nonprocurement Programs, DOJ and ED have determined that matching against the DOJ database is more efficient and effective than access to the GSA List. The DOJ database has specific information about the Title IV, HEA programs for which individuals are ineligible, as well as the expiration of the debarment period, making the DOJ database more complete than the GSA List. Both of these elements are essential for a successful match.

4. *Categories of Records and Individuals Covered by the Match.*

ED will submit, for verification, records from its Central Processing System files (Federal Student Aid Application File (18–11–01)), the Social Security number (SSN), and other identifying information for each applicant for Title IV, HEA student financial assistance. ED will use the SSN, date of birth, and the first two letters of an applicant's last name for the match.

The DOJ DEBARS system contains the names, SSNs, dates of birth, and other identifying information regarding individuals convicted of Federal or State offenses involving drug trafficking or possession of a controlled substance who have been denied Federal benefits by Federal or State courts. This system of records also contains information concerning the specific program or programs for which benefits have been denied, as well as the duration of the period of ineligibility. DOJ will make available for the matching program the records of only those individuals who have been denied Federal benefits under one or more of the Title IV, HEA programs.

5. *Effective Dates of the Matching Program.*

The matching program will be effective on the last of the following dates: (1) December 18, 2010, the day after the expiration of the current CMA; (2) thirty (30) days after notice of the matching program has been published in the **Federal Register**; or (3) forty (40) days after a report concerning the matching program has been transmitted to OMB and transmitted to the Congress along with a copy of this agreement, unless OMB waives 10 days of this 40-day period for compelling reasons shown, in which case, 30 days after transmission of the report to OMB and Congress.

The matching program will continue for 18 months after the effective date of the CMA and may be extended for an additional 12 months thereafter, if the conditions specified in 5 U.S.C. 552a(o)(2)(D) have been met.

6. *Address for Receipt of Public Comments or Inquiries.*

Leroy Everett, Management and Program Analyst, U.S. Department of Education, Federal Student Aid, Union Center Plaza, 830 First Street, NE., Washington, DC 20202–5454. Telephone: (202) 377–3265. If you use a telecommunications device for the deaf (TDD), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

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at the following site: *http://www.ed.gov/news/fedregister.*

To use PDF you must have Adobe Acrobat Reader, which is available free at this site.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO access at: *http://www.gpoaccess.gov/nara/index.html.*

Authority: 5 U.S.C. 552a; 21 U.S.C. 862(a)(1).

Dated: November 10, 2010.

James F. Manning,

Chief of Staff, Federal Student Aid, U.S. Department of Education.

[FR Doc. 2010–28856 Filed 11–15–10; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

[OE Docket No. PP–371]

Application for Presidential Permit; Northern Pass Transmission LLC

AGENCY: Office of Electricity Delivery and Energy Reliability, DOE.

ACTION: Notice of application.

SUMMARY: Northern Pass Transmission LLC (Northern Pass) has applied for a Presidential permit to construct, operate, maintain, and connect an electric transmission line across the United States border with Canada.

DATES: Comments, protests, or requests to intervene must be submitted on or before December 16, 2010.

ADDRESSES: Comments, protests, or requests to intervene should be addressed as follows: Brian Mills, Office of Electricity Delivery and Energy Reliability (OE–20), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Brian Mills (Program Office) at 202–586–8267 or via electronic mail at *Brian.Mills@hq.doe.gov,* or Michael T. Skinker (Program Attorney) at 202–586–2793.

SUPPLEMENTARY INFORMATION: The construction, operation, maintenance, and connection of facilities at the international border of the United States for the transmission of electric energy between the United States and a foreign country is prohibited in the absence of a Presidential permit issued pursuant to Executive Order (EO) 10485, as amended by EO 12038.

On October 14, 2010, Northern Pass filed an application with the Office of Electricity Delivery and Energy Reliability of the Department of Energy (DOE) for a Presidential permit. Northern Pass is jointly owned by NU Transmission Ventures, Inc. (75% owner), a wholly-owned subsidiary of Northeast Utilities, a publicly held public utility holding company, and NSTAR Transmission Ventures, Inc. (25% owner), a wholly-owned subsidiary of NSTAR, a publicly held public utility holding company.

The proposed international transmission line would originate at a high-voltage direct current (HVDC) converter terminal to be constructed at the Des Canton Substation in Quebec, Canada, from which a single circuit ± 300 kilovolt (kV) HVDC overhead electric transmission line would extend southward in Province of Quebec for approximately 45 miles where it would cross the Canada-U.S. border into Coos County, New Hampshire. In New Hampshire the proposed HVDC transmission line would continue southward for approximately 140 miles to a proposed converter terminal to be constructed in Franklin, New Hampshire. At the Franklin converter terminal the electric energy would be converted from direct current to 345–kV alternating current (AC). The single circuit overhead 345–kV AC line would continue another 40 miles to Public Service Company of New Hampshire's existing Deerfield Substation, located in Deerfield, New Hampshire. Facilities to be constructed in Canada would be owned and operated by Hydro-Quebec TransEnergie, a division of Hydro-Quebec. The 180 miles of transmission inside the United States and the Franklin converter terminal would be owned and operated by Northern Pass. The proposed international transmission facilities would enable the bidirectional transmission of 1,200 megawatts (MW) of power between Quebec, Canada, and New England.

Since the restructuring of the electric power industry began, resulting in the introduction of different types of competitive entities into the marketplace, DOE has consistently expressed its policy that cross-border trade in electric energy should be subject to the same principles of comparable open access and non-discrimination that apply to transmission in interstate commerce. DOE has stated that policy in export authorizations granted to entities requesting authority to export over international transmission facilities. Specifically, DOE expects transmitting utilities owning border facilities to provide access across the border in accordance with the principles of comparable open access and non-discrimination contained in the Federal Power Act and articulated in Federal Energy Regulatory Commission (FERC) Order No. 888 (Promoting Wholesale Competition Through Open Access Non-Discriminatory Transmission Services by Public Utilities; FERC Stats. & Regs. ¶ 31,036 (1996)), as amended. In furtherance of this policy, DOE invites comments on whether it would be appropriate to condition any Presidential permit issued in this proceeding on compliance with these open access principles.

Procedural Matters: Any person desiring to become a party to this proceeding or to be heard by filing comments on, or protests to, this application should file a petition to intervene, comment, or protest at the address provided above in accordance with §§ 385.211 or 385.214 of FERC's Rules of Practice and Procedures (18 CFR 385.211, 385.214). Fifteen copies of each petition and protest should be filed with DOE on or before the date listed above.

Additional copies of such petitions to intervene, comments, or protests should also be filed directly with: Anne Bartosewicz, Northeast Utilities, 107 Selden Street, Berlin, CT 06037 AND Mary Anne Sullivan, Hogan Lovells, LLP, 555 13th St., NW., Washington, DC 20004.

Before a Presidential permit may be issued or amended, DOE must determine that the proposed action is in the public interest. In making that determination, DOE considers the environmental impacts of the proposed project pursuant to the National Environmental Policy Act of 1969, determines the project's impact on electric reliability by ascertaining whether the proposed project would adversely affect the operation of the U.S. electric power supply system under normal and contingency conditions, and any other factors that DOE may also consider relevant to the public interest. Also, DOE must obtain the concurrences of the Secretary of State and the Secretary of Defense before taking final action on a Presidential permit application.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above, by accessing the program Web site at *http://www.oe.energy.gov/permits_pending.htm,* or by e-mailing Odessa Hopkins at *Odessa.hopkins@hq.doe.gov.*

Issued in Washington, DC, on November 9, 2010.

Anthony J. Como,

Director, Permitting and Siting, Office of Electricity Delivery and Energy Reliability.

[FR Doc. 2010–28811 Filed 11–15–10; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Sunshine Act Meeting

November 10, 2010.

The following notice of meeting is published pursuant to section 3(a) of the Government in the Sunshine Act (Pub. L. 94–409), 5 U.S.C. 552b:

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

DATE AND TIME: November 18, 2010, 10 a.m.

PLACE: Room 2C, 888 First Street, NE., Washington, DC 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

* *Note*—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kimberly D. Bose, Secretary, Telephone (202) 502–8400.

For a recorded message listing items struck from or added to the meeting, call (202) 502–8627.

This is a list of matters to be considered by the Commission. It does not include a listing of all documents relevant to the items on the agenda. All public documents, however, may be viewed on line at the Commission's Web site at *http://www.ferc.gov* using the eLibrary link, or may be examined in the Commission's Public Reference Room.

964TH—MEETING; REGULAR MEETING

[November 18, 2010, 10 a.m.]

Item No.	Docket No.	Company
	ADMINISTRATIVE	
A–1	AD02–1–000	Agency Administrative Matters.
A–2	AD02–7–000	Customer Matters, Reliability, Security and Market Operations.
A–3	AD07–13–003	2010 Report on Enforcement.
	ELECTRIC	
E–1	RM10–11–000	Integration of Variable Energy Resources.
E–2	RM09–18–000	Revision to Electric Reliability Organization Definition of Bulk Electric System.
E–3	RM10–15–000	Mandatory Reliability Standards for Interconnection Reliability Operating Limits.
E–4	ER08–386–000	Potomac-Appalachian Transmission.
	ER08–386–001	Highline, L.L.C.
E–5	ER08–374–001, EL08–38–001	Atlantic Path 15, LLC.
E–6	ER08–413–002	Startrans IO, L.L.C.
E–7	ER06–278–007	The Nevada Hydro Company, Inc.
E–8	RM09–25–000	System Personnel Training Reliability Standards.
E–9	RM10–16–000	System Restoration Reliability Standards.
E–10	EL10–87–000	Great River Energy.
E–11	ER09–1254–002	Southwest Power Pool, Inc.
E–12	EL10–82–000	Southern Montana Electric Generation & Transmission Cooperative, Inc. v. NorthWestern Corporation.
E–13	OMITTED	
E–14	EL10–72–000	Puget Sound Energy, Inc.
	GAS	
G–1	RP04–274–020, RP04–274–017, RP04–274–018, RP04–274–019, RP04–274–016, RP04–274–009, RP04–274–021.	Kern River Gas Transmission Company.
G–2	RP10–1045–000	Arena Energy, LP, Complainant v. Sea Robin Pipeline Company, LLC, Respondent.
G–3	RP11–1494–000	Kinder Morgan Interstate Gas Transmission LLC.
G–4	RP11–1495–000	Ozark Gas Transmission, L.L.C.
	HYDRO	
H–1	P–13323–001	Bishop Tungsten Development LLC.
H–2	P–13452–000	McGinnis, Inc.
H–3	P–13445–000	McGinnis, Inc.
H–4	P–13450–000	McGinnis, Inc.
H–5	P–10482–104	AER NY–Gen, LLC. Eagle Creek Hydro Power, LLC. Eagle Creek Water Resources, LLC. Eagle Creek Land Resources, LLC.
	CERTIFICATES	
C–1	CP10–509–000	Sawgrass Storage LLC.

964TH—MEETING; REGULAR MEETING—Continued

[November 18, 2010, 10 a.m.]

Item No.	Docket No.	Company
C–2	CP10–78–000	CenterPoint Energy Gas Transmission Company.
C–3	CP09–455–001	Florida Gas Transmission Company, LLC.
	CP09–456–001	Transcontinental Gas Pipe Line Company, LLC.
		Florida Gas Transmission Company, LLC.
C–4	CP10–50–001	Petal Gas Storage, L.L.C.

Kimberly D. Bose,

Secretary.

A free webcast of this event is available through *http://www.ferc.gov.* Anyone with Internet access who desires to view this event can do so by navigating to *http://www.ferc.gov's* Calendar of Events and locating this event in the Calendar. The event will contain a link to its webcast. The Capitol Connection provides technical support for the free webcasts. It also offers access to this event via television in the DC area and via phone bridge for a fee. If you have any questions, visit *http://www.CapitolConnection.org* or contact Danelle Springer or David Reininger at 703–993–3100.

Immediately following the conclusion of the Commission Meeting, a press briefing will be held in the Commission Meeting Room. Members of the public may view this briefing in the designated overflow room. This statement is intended to notify the public that the press briefings that follow Commission meetings may now be viewed remotely at Commission headquarters, but will not be telecast through the Capitol Connection service.

[FR Doc. 2010–29049 Filed 11–12–10; 4:15 pm]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9227–5]

Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) or Superfund, Section 128(a); Notice of Grant Funding Guidance for State and Tribal Response Programs for FY2011

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) will begin to accept requests, from December 1, 2010 through January 31, 2011, for grants to supplement State and Tribal Response Programs. This notice provides guidance on eligibility for funding, use of funding, grant mechanisms and process for awarding funding, the allocation system for distribution of funding, and terms and reporting under these grants. EPA has consulted with state and tribal officials in developing this guidance.

The primary goal of this funding is to ensure that state and tribal response programs include, or are taking reasonable steps to include, certain elements and a public record. Another goal is to provide funding for other activities that increase the number of response actions conducted or overseen by a state or tribal response program. This funding is not intended to supplant current state or tribal funding for their response programs. Instead, it is to supplement their funding to increase their response capacity.

For fiscal year 2011, EPA will consider funding requests up to a maximum of $1.3 million per state or tribe. Subject to the availability of funds, EPA regional personnel will be available to provide technical assistance to states and tribes as they apply for and carry out these grants.

DATES: This action is effective as of December 1, 2010. EPA expects to make non-competitive grant awards to states and tribes which apply during fiscal year 2011.

ADDRESSES: Mailing addresses for U.S. EPA Regional Offices and U.S. EPA Headquarters can be located at *http://www.epa.gov/brownfields.*

FOR FURTHER INFORMATION CONTACT: The U.S. EPA's Office of Solid Waste and Emergency Response, Office of Brownfields and Land Revitalization, (202) 566–2892.

SUPPLEMENTARY INFORMATION:

I. General Information

Section 128(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, authorizes a noncompetitive $50 million grant program to establish and enhance state [1] and tribal [2] response programs. Generally, these response programs address the assessment, cleanup, and redevelopment of brownfields sites and other sites with actual or perceived contamination. Section 128(a) cooperative agreements are awarded and administered by the U.S. Environmental Protection Agency (EPA) regional offices. This document provides guidance that will enable states and tribes to apply for and use Fiscal Year 2011 Section 128(a) funds.[3]

Requests for funding will be accepted from December 1, 2010 through January 31, 2011. Requests received after January 31, 2011 will not be considered for FY2011 funding. Information required to be submitted with the funding request is contained in Section IX. States or tribes that fail to submit the request in the appropriate manner may forfeit their ability to request funds. First time requestors are strongly encouraged to contact their Regional Brownfields contacts listed at the end of Section X, prior to submitting their funding request.

Requests submitted by the January 31, 2011 request deadline are preliminary; final cooperative agreement work plans and budgets will be negotiated with the regional offices once final allocation determinations are made. As in prior years, EPA will place special emphasis on reviewing a cooperative agreement recipient's use of prior 128(a) funding in making allocation decisions.

States and tribes requesting funds are required to provide a Dun and Bradstreet Data Universal Numbering System (DUNS) number with their final cooperative agreement package. For more information, please go to *http://www.grants.gov.*

The Catalogue of Federal Domestic Assistance entry for the Section 128(a) State and Tribal Response Program cooperative agreements is 66.817. This grant program is eligible to be included in state and tribal Performance

[1] The term "state" is defined in this document as defined in CERCLA Section 101(27).

[2] The term "Indian tribe" is defined in this document as it is defined in CERCLA Section 101(36). Intertribal consortia, as defined in the **Federal Register** Notice at 67 FR 67181, Nov. 4, 2002, are also eligible for funding under CERCLA 128(a).

[3] The Agency may waive any provision of this guidance that is not required by statute, regulation, Executive Order or overriding Agency policies.

Partnership Grants, with the exception of funds used to capitalize a revolving loan fund for brownfield remediation under section 104(k)(3); or purchase insurance or develop a risk sharing pool, an indemnity pool, or insurance mechanism to provide financing for response actions under a State or Tribal response program.

II. Background

State and tribal response programs oversee assessment and cleanup activities at the majority of brownfields sites across the country. The depth and breadth of state and tribal response programs vary. Some focus on CERCLA related activities, while others are multi-faceted, for example, addressing sites regulated by both CERCLA and the Resource Conservation and Recovery Act (RCRA). Many state programs also offer accompanying financial incentive programs to spur cleanup and redevelopment. In passing Section 128(a),[4] Congress recognized the accomplishments of state and tribal response programs in cleaning up and redeveloping brownfields sites. Section 128(a) also provides EPA with an opportunity to strengthen its partnership with states and tribes.

The primary goal of this funding is to ensure that state and tribal response programs include, or are taking reasonable steps to include, certain elements and establish a public record. The secondary goal is to provide funding for other activities that increase the number of response actions conducted or overseen by a state or tribal response program. This funding is not intended to supplant current state or tribal funding for their response programs. Instead, it is to supplement their funding to increase their response program's capacity.

Subject to the availability of funds, EPA regional personnel will be available to provide technical assistance to states and tribes as they apply for and carry out Section 128(a) cooperative agreements.

III. Eligibility for Funding

To be eligible for funding under CERCLA Section 128(a), a state or tribe must:

1. Demonstrate that its response program includes, or is taking reasonable steps to include, the four elements of a response program, described Section V; *or* be a party to voluntary response program Memorandum of Agreement (VRP MOA)[5] with EPA; and

2. Maintain and make available to the public a record of sites at which response actions have been completed in the previous year and are planned to be addressed in the upcoming year, see CERCLA Section 128(b)(1)(C).

IV. Matching Funds/Cost-Share

States and tribes are *not* required to provide matching funds for cooperative agreements awarded under Section 128(a), with the exception of the Section 128(a) funds a state or tribe uses to capitalize a Brownfields Revolving Loan Fund under CERCLA 104(k)(3).

V. The Four Elements—Section 128(*a*)

Section 128(a) recipients that do not have a VRP MOA with EPA must demonstrate that their response program includes, or is taking reasonable steps to include, the four elements. Achievement of the four elements should be viewed as a priority. Section 128(a) authorizes funding for activities necessary to establish and enhance the four elements and to establish and maintain the public record requirement.

Generally, the four elements are:

1. *Timely survey and inventory of brownfields sites in state or tribal land.* EPA's goal in funding activities under this element is to enable the state or tribe to establish or enhance a system or process that will provide a reasonable estimate of the number, likely locations, and the general characteristics of brownfields sites in their state or tribal lands.

EPA recognizes the varied scope of state and tribal response programs and will not require states and tribes to develop a "list" of brownfields sites. However, at a minimum, the state or tribe should develop and/or maintain a system or process that can provide a reasonable estimate of the number, likely location, and general characteristics of brownfields sites within their state or tribal lands.

Given funding limitations, EPA will negotiate work plans with states and tribes to achieve this goal efficiently and effectively, and within a realistic time frame. For example, many of EPA's Brownfields Assessment cooperative agreement recipients conduct inventories of brownfields sites in their communities or jurisdictions. EPA encourages states and tribes to work with these cooperative agreement recipients to obtain the information that they have gathered and include it in their survey and inventory.

2. *Oversight and enforcement authorities or other mechanisms and resources.* EPA's goal in funding activities under this element is to have state and tribal response programs that include oversight and enforcement authorities or other mechanisms, and resources that are adequate to ensure that:

a. A response action will protect human health and the environment and be conducted in accordance with applicable laws; and

b. the necessary response activities are completed if the person conducting the response activities fails to complete the necessary response activities (this includes operation and maintenance or long-term monitoring activities).

3. *Mechanisms and resources to provide meaningful opportunities for public participation.*[6] EPA's goal in funding activities under this element is to have states and tribes include in their response program mechanisms and resources for meaningful public participation, at the local level, *including, at a minimum:*

a. Public access to documents and related materials that a state, tribe, or party conducting the cleanup is relying on or developing in making cleanup decisions or conducting site activities;

b. Prior notice and opportunity for public comment on cleanup plans and site activity; and

c. A mechanism by which a person who is, or may be, affected by a release or threatened release of a hazardous substance, pollutant, or contaminant at a brownfields site—located in the community in which the person works or resides—may request that a site assessment be conducted. The appropriate state or tribal official must consider this request and appropriately respond.

4. *Mechanisms for approval of a cleanup plan and verification and certification that cleanup is complete.* EPA's goal in funding activities under this element is to have states and tribes include in their response program mechanisms to approve cleanup plans and to verify that response actions are complete, including a requirement for certification or similar documentation from the state, the tribe, or a licensed site professional to the person conducting the response action that the

[4] Section 128(a) was added to CERCLA in 2002 by the Small Business Liability Relief and Brownfields Revitalization Act (Brownfield Amendments).

[5] The legislative history of the Brownfields Amendments indicates that Congress intended to encourage states and tribes to enter into MOAs for their voluntary response programs. States or tribes that are parties to VRP MOAs and that maintain and make available a public record are automatically eligible for Section 128(a) funding.

[6] States and tribes establishing this element may find useful information on public participation on EPA's community involvement Web site at *http://www.epa.gov/superfund/community/policies.htm.*

response action is complete. Written approval by a state or tribal response program official of a proposed cleanup plan is an example of an approval mechanism.

VI. Public Record Requirement

In order to be eligible for Section 128(a) funding, states and tribes (including those with MOAs) must establish and maintain a public record system, described below, in order to receive funds. Specifically, under Section 128(b)(1)(C), states and tribes must:

1. Maintain and update, at least annually or more often as appropriate, a record of sites that includes the name and location of sites at which response actions have been completed during the previous year;

2. Maintain and update, at least annually or more often as appropriate, a record of sites that includes the name and location of sites at which response actions are planned to be addressed in the next year; and

3. Identify in the public record whether or not the site, upon completion of the response action, will be suitable for unrestricted use. If not, the public record must identify the institutional controls relied on in the remedy.

Section 128(a) funds may be used to maintain and make available a public record system that meets the requirements discussed above.

A. Distinguishing the "Survey and Inventory" Element From the "Public Record"

It is important to note that the public record requirement differs from the "timely survey and inventory" element described in the "Four Elements" section above. The public record addresses sites at which response actions have been completed in the previous year and are planned to be addressed in the upcoming year. In contrast, the "timely survey and inventory" element, described above, refers to a general approach to identifying brownfields sites.

B. Making the Public Record Easily Accessible

EPA's goal is to enable states and tribes to make the public record and other information, such as information from the "survey and inventory" element, easily accessible. For this reason, EPA will allow states and tribes to use Section 128(a) funding to make the public record, as well as other information, such as information from the "survey and inventory" element, available to the public via the internet or other means. For example, the Agency would support funding state and tribal efforts to include detailed location information in the public record such as the street address and latitude and longitude information for each site.[7]

In an effort to reduce cooperative agreement reporting requirements and increase public access to the public record, EPA encourages states and tribes to place their public record on the internet. If a state or tribe places the public record on the internet, maintains the substantive requirements of the public record, and provides EPA with the link to that site, EPA will, for purposes of cooperative agreement funding only, deem the public record reporting requirement met.

C. Long-Term Maintenance of the Public Record

EPA encourages states and tribes to maintain public record information, including data on institutional controls, on a long term basis (more than one year) for sites at which a response action has been completed. Subject to EPA regional office approval, states or tribes may include development and operation of systems that ensure long term maintenance of the public record, including information on institutional controls, in their work plans.[8]

VII. Use of Funding

A. Overview

Section 128(a)(1)(B) describes the eligible uses of cooperative agreement funds by states and tribes. In general, a state or tribe may use a cooperative agreement to "establish or enhance" their response programs, including elements of the response program that include activities related to responses at brownfields sites with petroleum contamination. Eligible activities include, but are not limited to, the following:

- Develop legislation, regulations, procedures, ordinances, guidance, etc. that would establish or enhance the administrative and legal structure of their response programs;
- Establish and maintain the required public record as described in Section VI;
- EPA considers activities related to maintaining and monitoring institutional controls to be eligible costs under Section 128(a);
- Conduct limited site-specific activities, such as assessment or cleanup, provided such activities establish and/or enhance the response program and are tied to the four elements. In addition to the requirement per CERCLA Section 128(a)(2)(C)(ii) to obtain public comment on cleanup plans and site activities, EPA strongly encourages states and tribes to seek public input regarding the priority of sites to be addressed and solicit input from local communities, especially potential environmental justice communities, communities with a health risk related to exposure to hazardous waste or other public health concerns, economically disadvantaged or remote areas, and communities with limited experience working with government agencies. EPA will not provide Section 128(a) funds solely for assessment or cleanup of specific brownfields sites; site specific activities must be an incidental part of an overall Section 128(a) work plan that includes funding for other activities that establish or enhance the four elements;
- Capitalize a revolving loan fund (RLF) for brownfields cleanup under CERCLA Section 104(k)(3). These RLFs are subject to the same statutory requirements and cooperative agreement terms and conditions applicable to RLFs awarded under Section 104(k)(3). Requirements include a 20 percent match on the amount of Section 128(a) funds used for the RLF, a prohibition on using EPA cooperative agreement funds for administrative costs relating to the RLF, and a prohibition on using RLF loans or subgrants for response costs at a site for which the recipient may be potentially liable under Section 107 of CERCLA. Other prohibitions contained in CERCLA Section 104(k)(4) also apply; or
- Purchase environmental insurance or develop a risk-sharing pool, indemnity pool, or insurance mechanism to provide financing for response actions under a state or tribal response program.

B. Uses Related to "Establishing" a State or Tribal Response Program

Under CERCLA Section 128(a), "establish" includes activities necessary to build the foundation for the four elements of a state or tribal response program and the public record requirement. For example, a state or tribal response program may use Section 128(a) funds to develop regulations, ordinances, procedures, or guidance. For more developed state or tribal response programs, "establish" may also

[7] For further information on latitude and longitude information, please see EPA's data standards Web site available at *http://iaspub.epa.gov/sor_internet/registry/datastds/findadatastandard/epaapproved/latitudelongitude*

[8] States and tribes may find useful information on institutional controls on EPA's institutional controls Web site at *http://www.epa.gov/superfund/policy/ic/index.htm.*

include activities that keep their program at a level that meets the four elements and maintains a public record required as a condition of funding under CERCLA Section 128(b)(1)(C).

C. Uses Related to "Enhancing" a State or Tribal Response Program

Under CERCLA Section 128(a), "enhance" is related to activities that add to or improve a state or tribal response program or increase the number of sites at which response actions are conducted under a state or tribal response program.

The exact "enhancement" uses that may be allowable depend upon the work plan negotiated between the EPA regional office and the state or tribe. For example, regional offices and states or tribes may agree that Section 128(a) funds may be used for outreach and training directly related to increasing awareness of its response program, and improving the skills of program staff. It may also include developing better coordination and understanding of other state response programs, *e.g.,* Resource Conservation and Recovery Act (RCRA) or Underground Storage Tanks (USTs). As another example, states and tribal response programs enhancement activities can include outreach to local communities to increase their awareness and knowledge regarding the importance of monitoring engineering and intuitional controls. Other "enhancement" uses may be allowable as well.

D. Uses Related to Site-Specific Activities

States and tribes may use section 128(a) funds for activities that improve state or tribal capacity to increase the number of sites at which response actions are conducted under the state or tribal response program. The amount requested for site-specific assessments and cleanups may not exceed 50% of the total amount of funding requested.

Other eligible uses of funds for site-specific related activities (*i.e.,* site specific but do not involve conducting actual site assessments or cleanups) include, but are not limited to, the following. EPA does not cap the amount of funding applicants may request for these activities:

- Oversight of response action;
- technical assistance to federal brownfields cooperative agreement recipients;
- development and/or review of quality assurance project plans (QAPPs);
- preparation and submission of Property Profile Forms; and
- auditing site cleanups to verify the completion of the cleanup.

E. Uses Related to Site-Specific Assessment and Cleanup Activities

Site-specific assessment and cleanup activities should establish and/or enhance the response program and be tied to the four elements. In addition to the requirement per CERCLA Section 128(a)(2)(C)(ii) to obtain public comment on cleanup plans and site activities, EPA strongly encourages states and tribes to seek public input regarding the priority of sites to be addressed and solicit input from local communities, especially potential environmental justice communities, communities with a health risk related to exposure to hazardous waste or other public health concerns, economically disadvantaged or remote areas, and communities with limited experience working with government agencies. EPA will not provide Section 128(a) funds solely for assessment or cleanup of specific brownfields sites; site-specific activities must be an incidental part of an overall Section 128(a) work plan that includes funding for other activities that establish or enhance the four elements. Site-specific assessments and cleanups must comply with all applicable laws and are subject to the following restrictions:

a. Section 128(a) funds can only be used for assessments or cleanups at sites that meet the definition of a brownfields site at CERCLA 101(39).

b. Absent EPA approval, no more than $200,000 per site can be funded for assessments with Section 128(a) funds, and no more than $200,000 per site can be funded for cleanups with Section 128(a) funds.

c. Absent EPA approval, the state/tribe may not use funds awarded under this agreement to assess and clean up sites owned or operated by the recipient.

d. Assessments and cleanups cannot be conducted at sites where the state/tribe is a potentially responsible party pursuant to CERCLA Section 107, except:

- At brownfields sites contaminated by a controlled substance as defined in CERCLA Section 101(39)(D)(ii)(I); or
- when the recipient would satisfy all of the elements set forth in CERCLA section 101(40) to qualify as a bona fide prospective purchaser except that the date of acquisition of the property was on or before January 11, 2002.

Subgrants cannot be provided to entities that may be potentially responsible parties (pursuant to CERCLA Section 107) at the site for which the assessment or cleanup activities are proposed to be conducted, except:

1. At brownfields sites contaminated by a controlled substance as defined in CERCLA Section 101(39)(D)(ii)(I); or

2. when the recipient would satisfy all of the elements set forth in CERCLA section 101(40) to qualify as a bona fide prospective purchaser except that the date of acquisition of the property was on or before January 11, 2002.

F. Costs Incurred for Activities at "Non-Brownfields" Sites

Costs incurred for activities at non-brownfields sites, *e.g.,* oversight, may be eligible and allowable if such activities are included in the state's or tribe's work plan. For example, auditing completed site cleanups in jurisdictions where states or tribes use licensed site professionals, to verify that sites have been properly cleaned up, may be an eligible cost under Section 128(a). These costs need not be incurred in connection with a brownfields site to be eligible, but must be authorized under the state's or tribe's work plan to be allowable. Other uses may be eligible and allowable as well, depending upon the work plan negotiated between the EPA regional office and the state or tribe. *However, assessment and cleanup activities may only be conducted on eligible brownfields sites, as defined in CERCLA Section 101(39).*

G. Uses Related to Site-Specific Activities at Petroleum Brownfields Sites

States and tribes may use Section 128(a) funds for activities that establish and enhance their response programs, even if their response programs address petroleum contamination. Also, the costs of site-specific activities, such as site assessments or cleanup at petroleum contaminated brownfields sites, defined at CERCLA Section 101(39)(D)(ii)(II), are eligible and are allowable if the activity is included in the work plan negotiated between the EPA regional office and the state or tribe. Section 128(a) funds used to capitalize a Brownfields RLF may be used at brownfields sites contaminated by petroleum to the extent allowed under CERCLA Section 104(k)(3).

VIII. General Programmatic Guidelines for 128(A) Grant Funding Requests

Funding authorized under CERCLA Section 128(a) is awarded through a cooperative agreement [9] with a state or

[9] A cooperative agreement is an assistance agreement to a state or a tribe that includes substantial involvement of EPA regional enforcement and program staff during performance of activities described in the cooperative agreement work plan. Examples of this involvement include

Continued

tribe. The program is administered under the general EPA grant and cooperative agreement regulations for states, tribes, and local governments found in the Code of Federal Regulations at 40 CFR part 31. Under these regulations, the cooperative agreement recipient for Section 128(a) grant program is the government to which a cooperative agreement is awarded and which is accountable for the use of the funds provided. The cooperative agreement recipient is the entire legal entity even if only a particular component of the entity is designated in the cooperative agreement award document.

A. *One application per state or tribe.* Subject to the availability of funds, EPA regional offices will negotiate and enter into Section 128(a) cooperative agreements with eligible and interested states or tribes. *EPA will accept only one application from each eligible state or tribe.*

B. *Define the state or tribal response program.* States and tribes must define in their work plan the "Section 128(a) response program(s)" to which the funds will be applied, and may designate a component of the state or tribe that will be EPA's primary point of contact for negotiations on their proposed work plan. When EPA funds the Section 128(a) cooperative agreement, states and tribes may distribute these funds among the appropriate state and tribal agencies that are part of the Section 128(a) response program. This distribution must be clearly outlined in their annual work plan.

C. *Separate cooperative agreements for the capitalization of RLFs using Section 128(a) funds.* If a portion of the 128(a) grant funds requested will be used to capitalize a revolving loan fund for cleanup, pursuant to 104(k)(3), two separate cooperative agreements must be awarded, *i.e.,* one for the RLF and one for non-RLF uses. States and tribes may, however, submit one initial request for funding, delineating the RLF as a proposed use. Section 128(a) funds used to capitalize an RLF are not eligible for inclusion into a Performance Partnership Grant (PPG).

D. *Authority to manage a revolving loan fund program.* If a state or tribe chooses to use its 128(a) funds to capitalize a revolving loan fund program, the state or tribe must have the authority to manage the program, *e.g.,* issue loans. If the agency/department listed as the point of contact for the 128(a) cooperative agreement does not have this authority, it must be able to demonstrate that another state or tribal agency does have the authority to manage the RLF and is willing to do so.

E. *Section 128(a) cooperative agreements can be part of a Performance Partnership Grant (PPG).* States and tribes may include Section 128(a) cooperative agreements in their PPG 69 FR 51,756 (2004). Section 128(a) funds used to capitalize an RLF or purchase insurance or develop a risk sharing pool, an indemnity pool, or insurance mechanism to provide financing for response actions under a state or tribal response program are not eligible for inclusion in the PPG.

F. *Project period.* EPA regional offices will determine the project period for each cooperative agreement. These may be for multiple years depending on the regional office's cooperative agreement policies. Each cooperative agreement must have an annual budget period tied to an annual work plan.

G. *Demonstrating the four elements.* As part of the annual work plan negotiation process, states or tribes that do *not* have VRP MOAs must demonstrate that their program includes, or is taking reasonable steps to include, the four elements described in Section V. EPA will not fund, in future years, state or tribal response program annual work plans if EPA determines that these requirements are not met or reasonable progress is not being made. EPA may base this determination on the information the state or tribe provides to support its work plan, or on EPA's review of the state or tribal response program.

H. *Establishing and maintaining the public record.* Prior to funding a state's or tribe's annual work plan, EPA regional offices will verify and document that a public record, as described above, exists and is being maintained.[10]

3. *States or tribes that received initial funding prior to FY10:* Requests for FY11 funds will *not* be accepted from states or tribes that fail to demonstrate, by the January 31, 2011 request deadline, that they established and are maintaining a public record. (**Note:** this would potentially impact any state or tribe that had a term and condition placed on their FY10 cooperative agreement that prohibited drawdown of FY10 funds prior to meeting public record requirement). States or tribes in this situation will not be prevented from drawing down their prior year funds, once the public record requirement is met, but will be restricted from applying for FY11 funding.

4. *States or Tribes that received initial funding in FY10:* by the time of the actual FY11 award, the state or tribe must demonstrate that they established and maintained the public record (those states and tribes that do not meet this requirement will have a term and condition placed on their FY11 cooperative agreement that prevents the drawdown of FY11 funds until the public record requirement is met).

5. *Recipients receiving funds for the first time in FY11:* these recipients have one year to meet this requirement and may utilize the 128(a) cooperative agreement funds to do so.

I. *Demonstration of significant utilization of prior years' funding.* During the allocation process, EPA headquarters places significant emphasis on the utilization of prior years' funding. Unused funds from prior years will be considered in the allocation process. Existing balances in EPA's Financial Data Warehouse could support an allocation amount below a grantee's request for funding. If a grantee wishes to avoid an allocation reduction, when submitting a request for FY11 funds, include a detailed explanation and justification of funds that remain in EPA's Financial Data Warehouse from prior years (that are related to response program activities or brownfield related activities).

EPA Regional staff will review EPA's Financial Database Warehouse to identify the amount of remaining prior year(s) funds. The cooperative agreement recipient should work, as early as possible, with both their own finance department, and with their Regional Project Officer to reconcile any discrepancy between the amount of unspent funds showing in EPA's system, and the amount reflected in the recipient's records. The recipient should obtain concurrence from the Region on the amount of unspent funds requiring justification by the deadline for this request for funding.

J. *Explanation of proposed activity/task that would require an increase from the FY10 funding amount.* Due to the limited amount of funding available, recipients must demonstrate the environmental benefits of undertaking the proposed activity/task and how that activity/task supports the four elements of a response program in addition to highlighting any activities in local communities, especially potential environmental justice communities, communities with a health risk related to exposure to hazardous waste or other public health concerns, economically disadvantaged or remote areas, and

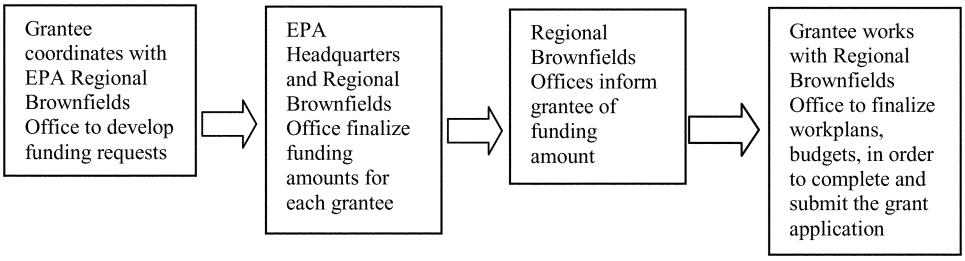
technical assistance and collaboration on program development and site-specific activities.

[10] For purposes of cooperative agreement funding, the state's or tribe's public record applies to that state's or tribe's response program(s) that utilized the Section 128(a) funding.

communities with limited experience working with government agencies. Refer to Section IX for information to be submitted with funding request.

K. Allocation System and Process for Distribution of Fund

EPA regional offices will work with interested states and tribes to develop their preliminary work plans and funding requests. Final cooperative agreement work plans and budgets will be negotiated with the regional office once final allocation determinations are made. Please refer to process flow chart below:



For Fiscal Year 2011, EPA will consider funding requests up to a maximum of $1.3 million per state or tribe. This limit may be changed in future years based on appropriation amounts and demand for funding. Please note the CERCLA 128(a) annual program's budget has remained static while demand for funding continues to increase every year.[11] Therefore, in most instances the FY11 state and tribal individual funding amounts will not meet the FY10 funding amounts. Requests for increases over the FY10 funding amount will be considered only after allocations are made to cover basic core support to programs of all eligible requestors.

After the January 31, 2011 request deadline, regional offices will submit summaries of state and tribal requests to EPA headquarters. Before submitting requests to EPA headquarters, regional offices may take into account additional factors when determining recommended allocation amounts. Such factors include, but are not limited to, the depth and breadth of the state or tribal program; scope of the perceived need for the funding, e.g., size of state or tribal jurisdiction or the proposed work plan balanced against capacity of the program, amount of prior funding, and funds remaining from prior years, etc.

After receipt of the regional recommendations, EPA headquarters will consolidate requests and allocate funds accordingly.

IX. Information To Be Submitted With the Funding Request

A. Demonstration of significant utilization of prior years' funding

States and tribes requesting 128(a) FY11 funds *must submit the following information,* as applicable, to their regional contact on or before January 31, 2011 (regions may request additional information, as needed):

- For those states and tribes with prior Targeted Brownfields Assessment funding awarded under CERCLA 104(d), provide, by agreement number, the amount of funds that have not been requested for reimbursement (i.e., those funds that remain in EPA's Financial Data Warehouse). EPA will take into account these funds in the allocation process. A cooperative agreement recipient can choose to provide a justification to EPA that explains why the underused funds should not be considered in the current request for funding.
- For those states and tribes that received FY08 or prior Section 128(a) funds, you must provide the amount of FY03, FY04, FY05, FY06 FY07 and/or FY08 funds that have not been requested for reimbursement (i.e., those funds that remain in EPA's Financial Data Warehouse). EPA will take into account these funds in the allocation process.

B. Summary of Planned Use of FY11 Funding

All states and tribes requesting FY11 funds must submit a summary of the planned use of the funds with associated dollar amounts. Please provide the request in the following format below:

Funding use	FY10 Awarded	FY11 Requested	Summary of intended use (example uses)
Establish or Enhance the four elements:	$XX,XXX	$XX,XXX	
1. Timely survey and inventory of brownfields sites;			1. Examples: • inventory and prioritize brownfields sites.
2. Oversight and enforcement authorities or other mechanisms;.			2. Examples: • develop/enhance ordinances, regulations, procedures for response programs.

[11] FY10 EPA received $67.1 Million in requests for funding from States and Tribes under CERCLA 128(a). The FY10 enacted budget was $49.5 Million. The resulting budget shortfall was approximately $17 Million.

Funding use	FY10 Awarded	FY11 Requested	Summary of intended use (example uses)
3. Mechanisms and resources to provide meaningful opportunities for public participation;.	.....	.....	3. Examples: • develop a community involvement process. • fund an outreach coordinator. • issue public notices of site activities. • develop a process to seek public input from local communities, especially potential environmental justice communities, communities with a health risk related to exposure to hazardous waste or other public health concerns, economically disadvantaged or remote areas, and communities with limited experience working with government agencies to prioritize sites to be addressed.
4. Mechanisms or approval of a cleanup plan and verification and certification that cleanup is complete..	.....	.....	4. Examples: • review cleanup plans and verify completed actions.
Establish and Maintain the Public Record.	$XX,XXX	$XX,XXX	• maintain public record. • create web site for public record. • disseminate public information on how to access the public record.
Enhance the Response Program.	$XX,XXX	$XX,XXX	• provide oversight of site assessments and cleanups. • attend training and conferences on brownfields cleanup technologies & other brownfields topics. • update and enhance program management activities. • negotiate/oversee contracts for response programs. • enhance program management & tracking systems. • prepare Property Profile Forms/input data into ACRES database.
Site-specific Activities (*amount requested should be incidental to the workplan, e.g., less than half of the total funding requested see Section VII.D for more information on what activities should be considered when calculating site specific activities.*).	$XX,XXX	$XX,XXX	• perform site assessments and cleanups. • develop QAPPs. • prepare Property Profile Forms/input data into ACRES database for these sites.
Environmental Insurance	$XX,XXX	$XX,XXX	• review potential uses of environmental insurance.
Revolving Loan Fund	$XX,XXX	$XX,XXX	• create a cleanup revolving loan fund.
Total Funding	$XXX,XXX	$XXX,XXX	Performance Partnership Grant? Yes ☐ No ☐

C. Explanation of proposed activity/task that would require an increase from the FY10 funding amount

For those states and tribes requesting amounts above their FY10 allocation, a *separate* explanation must be provided using the format below or the explanation can be made in a narrative form. The request should clearly demonstrate the environmental benefits of the proposed activity/task and how it directly supports the establishment and enhancement of the four elements of a response program. Requests for increases over the FY10 funding amount will be considered only after allocations are made to cover basic core support to programs of all eligible requestors. Please note the CERCLA 128(a) annual program's budget has remained static while demand for funding continues to increase every year.[12] Therefore, in most instances the FY11 state and tribal individual funding amounts will not meet the FY10 funding amounts. Increases in funding are unlikely.

Explanation of request(s) for funding above FY10 award level	Amount	One time[13] request or recurring?	Explanation/anticipated outcome
Establish or Enhance the four elements: 1. Timely survey and inventory of brownfields sites; 2. Oversight and enforcement authorities or other mechanisms; 3. Mechanisms and resources to provide meaningful opportunities for public participation; and/or 4. Mechanisms or approval of a cleanup plan and verification and certification that cleanup is complete.	$XX,XXX	One Time ☐ ..... Recurring ☐	Explanation of environmental benefits Anticipated Outcome:
Establish and Maintain the Public Record.	$XX,XXX	One Time ☐ ..... Recurring ☐	Explanation of environmental benefits Anticipated Outcome:
Enhance the Response Program	$XX,XXX	One Time ☐ ..... Recurring ☐	Explanation of environmental benefits Anticipated Outcome:
Site-specific Activities *(amount requested should be incidental to the workplan, e.g., less than half of the total funding requested).*	$XX,XXX	One Time ☐ ..... Recurring ☐	Explanation of environmental benefits Anticipated Outcome:

[12] FY10 EPA received $67.1 Million in requests for funding from States and Tribes under CERCLA 128(a). The FY10 enacted budget was $49.5 Million. The resulting budget shortfall was approximately $17 Million.

Explanation of request(s) for funding above FY10 award level	Amount	One time [13] request or recurring?	Explanation/anticipated outcome
Environmental Insurance	$XX,XXX	One Time ☐ Recurring ☐	Explanation of environmental benefits Anticipated Outcome:
Revolving Loan Fund	$XX,XXX	One Time ☐ Recurring ☐	Explanation of environmental benefits Anticipated Outcome:
Total Increase Requested	$XX,XXX		

[13] A one time request is not likely to repeat whereas a recurring charge is likely to periodically occur again.

D. Reporting of Program Activity Levels

States and tribes must report, by January 31, 2011, a summary of the *previous federal fiscal year's* work (October 1, 2009 through September 30, 2010). The following information must be submitted to your regional project officer (if no activity occurred in the particular category, indicate "N/A"):

- Number of properties enrolled in the response program supported by the CERCLA 128(a) funding.
- Number of properties that received a "No Further Action" (NFA) documentation or a Certificate of Completion (COC) or equivalent, AND have all required institutional controls in place.
- Number of properties that received an NFA or COC or equivalent and do NOT have all required institutional controls in place.
- Total number of acres associated with properties in the second bullet above.
- (OPTIONAL) Number of properties where assistance was provided, but the property was NOT enrolled in the response program.

X. Terms and Reporting

Cooperative agreements for state and tribal response programs will include programmatic and administrative terms and conditions. These terms and conditions will describe EPA's substantial involvement including technical assistance and collaboration on program development and site-specific activities. Each of the subsections below summarizes the basic terms and conditions and related reporting that will be required if a cooperative agreement with EPA is awarded.

A. Progress Reports

In accordance with 40 CFR 31.40, state and tribes must provide progress reports as provided in the terms and conditions of the cooperative agreement negotiated with EPA regional offices. State and tribal costs for complying with reporting requirements are an eligible expense under the section 128(a) cooperative agreement. As a minimum, state or tribal progress reports must include both a narrative discussion and performance data relating to the state's or tribe's accomplishments and environmental outputs associated with the approved budget and workplan and should provide an accounting of section 128(a) funding. If applicable, the state or tribe must include information on activities related to establishing or enhancing the four elements of the state's or tribe's response program. All recipients must provide information relating to establishing or, if already established, maintaining the public record. *Depending upon the activities included in the state's or tribe's work plan,* an EPA regional office may request that a progress report include:

1. Reporting environmental insurance. Recipients with work plans that include funding for *environmental insurance* must report:

- Number and description of insurance policies purchased (*e.g.,* type of coverage provided; dollar limits of coverage; any buffers or deductibles; category and identity of insured persons; premium; first dollar or umbrella; site specific or blanket; occurrence or claims made, etc.)
- The number of sites covered by the insurance
- The amount of funds spent on environmental insurance (*e.g.,* amount dedicated to insurance program, or to insurance premiums)
- The amount of claims paid by insurers to policy holders

2. Reporting for site-specific assessment or cleanup activities. Recipients with work plans that include funding for *brownfields site assessment or cleanup* must input information required by the OMB-approved Property Profile Form into the Assessment Cleanup and Redevelopment Exchange System (ACRES) database for each site assessment and cleanup. In addition, recipients must report how they provide the affected community with prior notice and opportunity for meaningful participation as per CERCLA Section 128(a)(2)(C)(ii) on proposed cleanup plans and site activities. For example, EPA strongly encourages states and tribes to seek public input regarding the priority of sites to be addressed and solicit input from local communities, especially potential environmental justice communities, communities with a health risk related to exposure to hazardous waste or other public health concerns, economically disadvantaged or remote areas, and communities with limited experience working with government agencies.

3. Reporting for other site-specific activities. Recipients with work plans that include funding for *other site-specific related activities* must include a description of the site-specific activities and the number of sites at which the activity was conducted. For example:

- Number and frequency of oversight audits of licensed site professional certified cleanups.
- Number and frequency of state/tribal oversight audits conducted.
- Number of sites where staff conducted audits, provided technical assistance, or conducted other oversight activities.
- Number of staff conducting oversight audits, providing technical assistance, or conducting other oversight activities.

4. Reporting for RLF uses. Recipients with work plans that include funding for revolving loan fund (RLF) must include the information required by the terms and conditions for progress reporting under CERCLA section 104(k)(3) RLF cooperative agreements.

5. Reporting for Non-MOA states and tribes. All recipients *without* a VRP MOA must report activities related to establishing or enhancing the four elements of the state's or tribe's response program. For each element state/tribes must report how they are maintaining the element or how they are taking reasonable steps to establish or enhance the element as negotiated in individual state/tribal work plans. For example, pursuant to CERCLA section 128(a)(2)(B), reports on the oversight and enforcement authorities/mechanisms element *may* include:

- A narrative description and copies of applicable documents developed or under development to enable the response program to conduct enforcement and oversight at sites. For example:
  - legal authorities and mechanisms (*e.g.,* statutes, regulations, orders, agreements);

• policies and procedures to implement legal authorities; and other mechanisms;

○ a description of the resources and staff allocated/to be allocated to the response program to conduct oversight and enforcement at sites as a result of the cooperative agreement;

○ a narrative description of how these authorities or other mechanisms, and resources, are adequate to ensure that:

○ a response action will protect human health and the environment; and be conducted in accordance with applicable federal and state law; and if the person conducting the response action fails to complete the necessary response activities, including operation and maintenance or long-term monitoring activities, the necessary response activities are completed; and

○ a narrative description and copy of appropriate documents demonstrating the exercise of oversight and enforcement authorities by the response program at a brownfields site.

The regional offices may also request other information be added to the progress reports, as appropriate, to properly document activities described by the cooperative agreement work plan.

EPA regions may allow states or tribes to provide performance data in appropriate electronic format.

The regional offices will forward progress reports to EPA Headquarters, if requested. This information may be used to develop national reports on the outcomes of CERCLA section 128(a) funding to states and tribes.

B. Reporting of Program Activity Levels

States and tribes must report, by January 31, 2011, a summary of the *previous federal fiscal year's* work (October 1, 2009 through September 30, 2010). The following information must be submitted to your regional project officer (if no activity occurred in the particular category, indicate a "N/A"):

• Number of properties enrolled in the response program supported by the CERCLA section 128(a) funding.

• Number of properties that received a "No Further Action" (NFA) documentation or a Certificate of Completion (COC) or equivalent, AND have all required institutional controls in place.

• Number of properties that received an NFA or COC or equivalent and do NOT have all required institutional controls in place.

• Total number of acres associated with properties in the second bullet above.

• (OPTIONAL) Number of properties where assistance was provided, but the property was NOT enrolled in the response program.

Where applicable, EPA may require states/tribes to report specific performance measures related to the four elements which can be aggregated for national reporting to Congress.

For example:

1. Timely Survey & Inventory—Estimated number of brownfields sites in the state or on tribal land.

2. Oversight & Enforcement Authorities/Mechanisms—Number of active cleanups and percentage that received oversight; percentage of active cleanups not in compliance with the cleanup workplan and that received communications from recipient regarding non-compliance.

3. Public Participation—Percentage of sites in the response program where public meetings/notices were conducted regarding the cleanup plan and/or other site activities; number of requests and responses to site assessment requests.

4. Cleanup Approval/Certification Mechanisms—Total number of "no further action" letters or total number of certificate of completions.

(NOTE: where applicable, this reporting requirement may include activities not funded with CERCLA Section 128(a) monies, because this information may be used by EPA to evaluate whether recipients without MOAs have met or are taking reasonable steps to meet the four elements of a response program pursuant to CERCLA Section 128(a)(2).)

C. Reporting of Public Record

All recipients must report, as specified in the terms and conditions of their cooperative agreement, information related to establishing or, if already established, maintaining the public record, described above. States and tribes can refer to an already existing public record, *e.g.,* Web site or other public database to meet the public record requirement. Recipients reporting may only be required to demonstrate that the public record a. exists and is up-to-date b. is adequate. A public record may include the following information:

A list of sites at which response actions have been completed including:

• Date the response action was completed.

• Site name.

• Name of owner at time of cleanup, if known.

• Location of the site (street address, and latitude and longitude).

• Whether an institutional control is in place.

• Explain the type of institutional control in place (*e.g.,* deed restriction, zoning restriction, local ordinance, state registries of contaminated property, deed notices, advisories, etc.)

• Nature of the contamination at the site (*e.g.,* hazardous substances, contaminants, or pollutants, petroleum contamination, etc.)

• Size of the site in acres.

A list of sites planned to be addressed by the state or tribal response program including:

• Site name and the name of owner at time of cleanup, if known.

• Location of the site (street address, and latitude and longitude).

• To the extent known, whether an institutional control is in place.

• Explain the type of the institutional control in place (*e.g.,* deed restriction, zoning restriction, local ordinance, state registries of contaminated property, deed notices, advisories, etc.)

• To the extent known, the nature of the contamination at the site (*e.g.,* hazardous substances, contaminants, or pollutants, petroleum contamination, etc.)

• Size of the site in acres.

D. Award administration information

1. Subaward and executive compensation reporting

Applicants must ensure that they have the necessary processes and systems in place to comply with the subaward and executive total compensation reporting requirements established under OMB guidance at 2 CFR Part 170, unless they qualify for an exception from the requirements, should they be selected for funding.

2. Central Contractor Registration (CCR) and Data Universal Numbering System (DUNS) Requirements

Unless exempt from these requirements under OMB guidance at 2 CFR Part 25 (*e.g.,* individuals), applicants must:

a. Be registered in the CCR prior to submitting an application or proposal under this announcement. CCR information can be found at: *https://www.bpn.gov/ccr/.*

b. Maintain an active CCR registration with current information at all times during which it has an active Federal award or an application or proposal under consideration by an agency, and

c. Provide its DUNS number in each application or proposal it submits to the agency. Applicants can receive a DUNS number, at no cost, by calling the dedicated toll-free DUNS Number request line at 1–866–705–5711, or visiting the D&B Web site at: *http://www.dnb.com.*

If an applicant fails to comply with these requirements, it will, should it be

selected for award, affect their ability to receive the award.

3. Use of funds

An applicant that receives an award under this announcement is expected to manage assistance agreement funds efficiently and effectively and make sufficient progress towards completing the project activities described in the work-plan in a timely manner. The assistance agreement will include terms/conditions implementing this requirement.

REGIONAL STATE AND TRIBAL BROWNFIELDS CONTACTS

Region	State	Tribal
1—CT, ME, MA, NH, RI, VT	James Byrne, 5 Post Office Square, Suite 100 (OSRR07–2) Boston, MA 02109–3912 Phone (617) 918–1389 Fax (617) 918–1291..	AmyJean McKeown, 5 Post Office Square, Suite 100 (OSRR07–2) Boston, MA 02109–3912 Phone (617) 918–1248 Fax (617) 918–1291
2—NJ, NY, PR, VI	John Struble, 290 Broadway, 18th Floor New York, NY 10007 Phone (212) 637–4291 Fax (212) 637–4211.	John Struble, 290 Broadway, 18th Floor New York, NY 10007 Phone (212) 637–4291 Fax (212) 637–4211.
3—DE, DC, MD, PA, VA, WV.	Janice Bartel, 1650 Arch Street (3HS51) Philadelphia, Pennsylvania 19103 Phone (215) 814–5394 Fax (215) 814–3274.	
4—AL, FL, GA, KY, MS, NC, SC, TN.	Philip Vorsatz, 61 Forsyth Street, S.W, 10TH FL (9T25) Atlanta, GA 30303–8960 Phone (404) 562–8789 Fax (404) 562–8788.	Philip Vorsatz 61 Forsyth Street, S.W, 10TH FL (9T25) Atlanta, GA 30303–8960 Phone (404) 562–8789 Fax (404) 562–8788.
5—IL, IN, MI, MN, OH, WI ..	Jan Pels, 77 West Jackson Boulevard (SE–7J) Chicago, Illinois 60604–3507 Phone (312) 886–3009 Fax (312) 692–2161.	Jane Neumann 77 West Jackson Boulevard (SE–4J) Chicago, Illinois 60604–3507 Phone (312) 353–0123 Fax (312) 697–2649.
6—AR, LA, NM, OK, TX	Amber Perry, 1445 Ross Avenue, Suite 1200 (6SF) Dallas, Texas 75202–2733 Phone (214) 665–3172 Fax (214) 665–6660.	Amber Perry, 1445 Ross Avenue, Suite 1200 (6SF) Dallas, Texas 75202–2733 Phone (214) 665–3172 Fax (214) 665–6660.
7—IA, KS, MO, NE	Susan Klein, 901 N. 5th Street (SUPRSTAR) Kansas City, Kansas 66101 Phone (913) 551–7786 Fax (913) 551–9786.	Susan Klein, 901 N. 5th Street (SUPRSTAR) Kansas City, Kansas 66101 Phone (913) 551–7786 Fax (913) 551–9798.
8—CO, MT, ND, SD, UT, WY.	Dan Heffernan, 1595 Wynkoop Street (EPR–B) Denver, CO 80202–1129 Phone (303) 312–7074 Fax (303) 312–6065.	Barbara Benoy, 1595 Wynkoop Street (8EPR–SA) Denver, CO 80202–1129 Phone (303) 312–6760 Fax (303) 312–6962.
9—AZ, CA, HI, NV, AS, GU	Eugenia Chow, 75 Hawthorne St. (SFD–6–1) San Francisco, California 94105 Phone (415) 972–3160 Fax (415) 947–3520.	Glenn Kistner, 75 Hawthorne St. (SFD–6–1) San Francisco, California 94105 Phone (415) 972–3004 Fax (415) 947–3520.
10—AK, ID, OR, WA	Deborah Burgess, 300 Desmond Dr., SE, Suite 102 (WOO) Lacey, Washington 98503 Phone (360) 753–9079 Fax (360) 753–8080.	Deborah Burgess, 300 Desmond Dr., SE, Suite 102 (WOO) Lacey, Washington 98503 Phone (360) 753–9079 Fax (360) 753–8080.

XI. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and is therefore not subject to OMB review. Because this action is not subject to notice and comment requirements under the Administrative Procedures Act or any other statute, it is not subject to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) or Sections 202 and 205 of the Unfunded Mandates Reform Act of 1999 (UMRA) (Pub. L. 104–4). In addition, this action does not significantly or uniquely affect small governments. This action does not create new binding legal requirements that substantially and directly affect Tribes under Executive Order 13175 (63 FR 67249, November 9, 2000). This action does not have significant Federalism implications under Executive Order 13132 (64 FR 43255, August 10, 1999). Because this final rule has been exempted from review under Executive Order 12866, this final rule is not subject to Executive Order 13211, entitled Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 et seq., nor does it require any special considerations under Executive Order 12898, entitled Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (59 FR 7629, February 16, 1994). This action does not involve technical standards; thus, the requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. The Congressional Review Act, 5 U.S.C. 801 *et seq.,* generally provides that before certain actions may take effect, the agency promulgating the action must submit a report, which includes a copy of the action, to each House of the Congress and to the Comptroller General of the United States. Because this final action does not contain legally binding requirements, it is not subject to the Congressional Review Act.

Dated: November 10, 2010.

David R. Lloyd,

Director, Office of Brownfields and Land Revitalization, Office of Solid Waste and Emergency Response.

[FR Doc. 2010–28825 Filed 11–15–10; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9227–2]

Proposed Agreement Pursuant to Section 122(h)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act for the 76th & Albany Site, Chicago, IL

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; Request for public comment on proposed CERCLA 122(h)(1) agreement with the City of

Chicago (Settling Party) for the 76th & Albany Site.

SUMMARY: In accordance with section 122(i)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1984, as amended (CERCLA), notification is hereby given of a proposed administrative agreement concerning the 76th & Albany hazardous waste site in Chicago, Illinois (the Site). EPA proposes to enter into this agreement under the authority of section 122(h) and 107 of CERCLA. The proposed agreement has been executed by the Settling Party.

Under the proposed agreement, the Settling Party will pay $220,380 to EPA to resolve EPA's claims against it for response costs incurred by EPA at the Site. EPA has incurred response costs investigating and performing response actions at the Site to mitigate potential imminent and substantial endangerments to human health or the environment presented or threatened by hazardous substances present at the Site.

For thirty days following the date of publication of this notice, the EPA will receive written comments relating to this proposed agreement. EPA will consider all comments received and may decide not to enter this proposed agreement if comments disclose facts or considerations which indicate that the proposed agreement is inappropriate, improper or inadequate.

DATES: Comments on the proposed agreement must be received by EPA on or before December 16, 2010.

ADDRESSES: Comments should be addressed to Andre Daugavietis, U.S. Environmental Protection Agency, Region 5, Office of Regional Counsel, 77 West Jackson Boulevard, Chicago, Illinois, 60604–3590, and should refer to: In the Matter of Agreement for Recovery of Past Response Costs, 76th & Albany, Chicago, Cook County, Illinois.

FOR FURTHER INFORMATION CONTACT: Andre Daugavietis, U.S. Environmental Protection Agency, Office of Regional Counsel, C–14J, 77 West Jackson Boulevard, Chicago, Illinois, 60604–3590, (312) 886–6663.

A copy of the proposed administrative settlement agreement may be obtained in person or by mail from the EPA's Region 5 Office of Regional Counsel, at the above address. Additional background information relating to the settlement is available for review at the EPA's Region 5 Office of Regional Counsel.

Authority: 42 U.S.C. 9601–9675.

Dated: October 7, 2010.

Douglas E. Ballotti,

Acting Director, Superfund Division, Region 5.

[FR Doc. 2010–28819 Filed 11–15–10; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9227–3]

Senior Executive Service Performance Review Board; Membership

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Notice is hereby given of the membership of the Environmental Protection Agency Performance Review Board for 2010.

FOR FURTHER INFORMATION CONTACT: Karen D. Higginbotham, Director, Executive Resources Division, 3606A, Office of Human Resources, Office of Administration and Resources Management, Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, (202) 564–7287.

SUPPLEMENTARY INFORMATION: Section 4314(c)(1) through (5) of Title 5, U.S.C., requires each agency to establish in accordance with regulations prescribed by the Office of Personnel Management, one or more SES performance review boards. This board shall review and evaluate the initial appraisal of a senior executive's performance by the supervisor, along with any recommendations to the appointment authority relative to the performance of the senior executive.

Members of the 2010 EPA Performance Review Board are:

Kimberly A. Lewis, Director, Office of Human Resources, Office of Administration and Resources Management;

William H. Benson, Director, Gulf Ecology Division, National Health and Environmental Effects Research Laboratory, Office of Research and Development;

David Bloom, Director, Office of Budget, Office of the Chief Financial Officer;

Jeanette Brown, Director, Office of Small Business Programs, Office of the Administrator;

Howard Cantor, Director, National Enforcement Investigations Center, Office of Enforcement and Compliance Assurance;

Rafael DeLeon (Ex-Officio), Acting Director, Office of Civil Rights, Office of the Administrator;

Carl E. Edlund, Director, Multimedia Planning and Permitting Division, Region 6;

James J. Jones, Principal Deputy Assistant Administrator, Office of Chemical Safety and Pollution Prevention;

Denise M. Keehner, Director, Office of Wetlands, Oceans and Watersheds, Office of Water;

Brenda Mallory, Principal Deputy General Counsel, Office of General Counsel;

Richard Martin, Deputy Director, Office of Information Analysis and Access, Office of Environmental Information;

James W. Newsom, Assistant Regional Administrator for Policy and Management, Region 3;

William W. Rice, Deputy Regional Administrator, Region 7;

Denise B. Sirmons, Deputy Director, Office of Grants and Debarment, Office of Administration and Resources Management;

Michael M. Stahl, Deputy Assistant Administrator, Office of International and Tribal Affairs;

Kevin Teichman, Deputy Assistant Administrator for Science, Office of Research and Development;

Panagiotis E. Tsirigotis, Director, Sector Policies and Programs Division—RTP, Office of Air and Radiation;

Russell L. Wright, Jr., Assistant Regional Administrator for Policy and Management, Region 4;

Renee Wynn, Director, Office of Program Management, Office of Solid Waste and Emergency Response;

Karen D. Higginbotham, Director, Executive Resources Division, Office of Human Resources, Office of Administration and Resources Management.

Dated: November 4, 2010.

Craig E. Hooks,

Assistant Administrator, Administration and Resources Management.

[FR Doc. 2010–28821 Filed 11–15–10; 8:45 am]

BILLING CODE 6560–50–P

EXPORT-IMPORT BANK OF THE U.S.

[Public Notice 2010–0052]

Agency Information Collection Activities: Comment Request

AGENCY: Export-Import Bank of the U.S.

ACTION: Submission for OMB Review and Comments Request.

Form Title: Notice of Claim and Proof of Loss, Medium Term Guarantee.

SUMMARY: The Export-Import Bank of the United States ("Ex-Im Bank") is the

official export credit agency of the United States. Its mission is to create and sustain U.S. jobs by financing U.S. exports through direct loans, guarantees, insurance and working capital credits. By neutralizing the effect of export credit support offered by foreign governments and by absorbing credit risks that the private sector will not accept, Ex-Im Bank enables U.S. exporters to compete fairly in foreign markets on the basis of price and product. Under the Medium Term Guarantee Program, Ex-Im Bank provides guarantees of principal and interest on floating or fixed-rate loans by eligible lenders to credit worthy buyers of U.S. goods and services. The guarantee covers the repayment risks on the foreign buyer's debt obligations. Ex-Im Bank guarantees that, in the event of a payment default by the borrower, it will repay the lender the outstanding principal and interest on the loan.

In the event that a borrower defaults on a transaction guaranteed by Ex-Im Bank the guaranteed lender may seek payment by the submission of a claim. This collection of information is necessary, pursuant to 12 U.S.C. 635(a)(1), to determine if such claim complies with the terms and conditions of the relevant guarantee agreement.

This form can be reviewed *http://www.exim.gov/pub/pending/EIB-10-05-Claim-Filing-Form-Guarantees.pdf.*

DATES: Comments should be received on or before January 18, 2011 to be assured of consideration.

ADDRESSES: Comments maybe submitted electronically on *http://www.regulations.gov* or by mail to Michele Kuester, Export Import Bank of the United States, 811 Vermont Ave., NW., Washington, DC 20571.

SUPPLEMENTARY INFORMATION: *Titles and Form Number:* Notice of Claim and Proof of Loss, Medium Term Guarantee (EIB 10–05).

OMB Number: 3048–XXXX.

Type of Review: New.

Need and Use: This collection provides Ex-Im Bank staff with the information necessary to process the filing of a claim for a defaulted transaction under Ex-Im Bank's Medium Term Guarantee program.

Number of Respondents: 65.

Sharon A. Whitt,

Agency Clearance Officer.

[FR Doc. 2010–28729 Filed 11–15–10; 8:45 am]

BILLING CODE 6690–01–P

EXPORT-IMPORT BANK OF THE U.S.

[Public Notice 2010–0052]

Agency Information Collection Activities: Comment Request

AGENCY: Export-Import Bank of the U.S.

ACTION: Submission for OMB Review and Comments Request.

Form Title: Notice of Claim and Proof of Loss, Working Capital Guarantee.

SUMMARY: The Export-Import Bank of the United States ("Ex-Im Bank") is the official export credit agency of the United States. Its mission is to create and sustain U.S. jobs by financing U.S. exports through direct loans, guarantees, insurance and working capital credits. By neutralizing the effect of export credit support offered by foreign governments and by absorbing credit risks that the private sector will not accept, Ex-Im Bank enables U.S. exporters to compete fairly in foreign markets on the basis of price and product. Under the Working Capital Guarantee Program, Ex-Im Bank provides repayment guarantees to lenders on secured, short-term working capital loans made to qualified exporters. The guarantee may be approved for a single loan or a revolving line of credit.

In the event that a borrower defaults on a transaction guaranteed by Ex-Im Bank the guaranteed lender may seek payment by the submission of a claim. This collection of information is necessary, pursuant to 12 U.S.C. 635(a)(1), to determine if such claim complies with the terms and conditions of the relevant insurance policy.

This form can be reviewed at *http://www.exim.gov/pub/pending/EIB_10_04 Claim_Filing_Form-Working Capital.pdf.*

DATES: Comments should be received on or before January 18, 2011.

ADDRESSES: Comments maybe submitted electronically on *http://www.regulations.gov* or by mail to Michele Kuester, Export Import Bank of the United States, 811 Vermont Ave., NW., Washington, DC 20571.

SUPPLEMENTARY INFORMATION:

Titles and Form Number: Notice of Claim and Proof of Loss, Working Capital Guarantee (EIB 10–04).

OMB Number: 3048–XXXX.

Type of Review: New.

Need and Use: This collection provides Ex-Im Bank staff with the information necessary to process the filing of a claim for a defaulted transaction under Ex-Im Bank's Working Capital Guarantee program.

Number of respondents: 20.

Sharon A. Whitt,

Agency Clearance Officer.

[FR Doc. 2010–28730 Filed 11–15–10; 8:45 am]

BILLING CODE 6690–01–P

EXPORT-IMPORT BANK OF THE U.S.

[Public Notice 2010–0052]

Agency Information Collection Activities: Comment Request

AGENCY: Export-Import Bank of the U.S.

ACTION: Submission for OMB Review and Comments Request.

Form Title: Notice of Claim and Proof of Loss, Export Credit Insurance policies.

SUMMARY: The Export-Import Bank of the United States ("Ex-Im Bank") is the official export credit agency of the United States. Its mission is to create and sustain U.S. jobs by financing U.S. exports through direct loans, guarantees, insurance and working capital credits. By neutralizing the effect of export credit support offered by foreign governments and by absorbing credit risks that the private sector will not accept, Ex-Im Bank enables U.S. exporters to compete fairly in foreign markets on the basis of price and product. Under the Export Credit Insurance policies, coverage is provided for export sales to one or many different buyers.

In the event that a buyer defaults on a transaction insured by Ex-Im Bank the insured exporter or lender may seek payment by the submission of a claim. This collection of information is necessary, pursuant to 12 U.S.C. 635(a)(1), to determine if such claim complies with the terms and conditions of the relevant insurance policy.

This form can be reviewed at *http://www.exim.gov/pub/pending/EIB_10-03Claim_Filing_Form-Insurance.pdf*

DATES: Comments should be received on or before January 18, 2011 to be assured of consideration.

ADDRESSES: Comments maybe submitted electronically on *WWW.REGULATIONS.GOV* or by mail to Michele Kuester, Export Import Bank of the United States, 811 Vermont Ave., NW., Washington, DC 20571.

SUPPLEMENTARY INFORMATION:

Titles and Form Number: Notice of Claim and Proof of Loss, Export Credit Insurance policies (EIB 10–03).

OMB Number: 3048–XXXX.

Type of Review: New.

Need and Use: This collection provides Ex-Im Bank staff with the

information necessary to process the filing of a claim for a defaulted transaction under Ex-Im Bank's Export Credit Insurance program.

Number of respondents: 300.

Sharon A. Whitt,

Agency Clearance Officer.

[FR Doc. 2010–28731 Filed 11–15–10; 8:45 am]

BILLING CODE 6690–01–P

FEDERAL COMMUNICATIONS COMMISSION

Federal Advisory Committee Act; Advisory Committee on Diversity for Communications in the Digital Age

AGENCY: Federal Communications Commission.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, this notice advises interested persons that the Federal Communications Commission's (FCC) Advisory Committee on Diversity for Communications in the Digital Age ("Diversity Committee") will hold a meeting on Thursday, December 2, 2010 at 2 p.m. in the Commission Meeting Room of the Federal Communications Commission, Room TW–C305, 445 12th Street, SW., Washington, DC 20554.

DATES: December 2, 2010.

ADDRESSES: Federal Communications Commission, Room TW–C305 (Commission Meeting Room), 445 12th Street, SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Barbara Kreisman, 202–418–1605; *Barbara.Kreisman@FCC.gov.*

SUPPLEMENTARY INFORMATION: At this meeting the Constitutional, Broadband and Media Issues working groups will present their final reports on best practices recommendations under the current charter.

Members of the general public may attend the meeting. The FCC will attempt to accommodate as many people as possible. However, admittance will be limited to seating availability. The public may submit written comments before the meeting to: Barbara Kreisman, the FCC's Designated Federal Officer for the Diversity Committee by e-mail: *Barbara.Kreisman@fcc.gov* or U.S. Postal Service Mail (Barbara Kreisman, Federal Communications Commission, Room 2–A665, 445 12th Street, SW., Washington, DC 20554).

Open captioning will be provided for this event. Other reasonable accommodations for people with disabilities are available upon request. Requests for such accommodations should be submitted via e-mail to *fcc504@fcc.gov* or by calling the Consumer & Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (tty). Such requests should include a detailed description of the accommodation needed. In addition, please include a way we can contact you if we need more information. Please allow at least five days advance notice; last minute requests will be accepted, but may be impossible to fill.

Additional information regarding the Diversity Committee can be found at *http://www.fcc.gov/DiversityFAC.*

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Division, Media Bureau.

[FR Doc. 2010–28851 Filed 11–15–10; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than November 30, 2010.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *Fred Diefenbaugh,* Huntington, Indiana; to retain control of the voting shares of Bippus State Corporation, and thereby indirectly retain control of Bippus State Bank, both of Huntington, Indiana.

Board of Governors of the Federal Reserve System, November 10, 2010.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 2010–28757 Filed 11–15–10; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than December 12, 2010.

A. Federal Reserve Bank of St. Louis (Glenda Wilson, Community Affairs Officer) P.O. Box 442, St. Louis, Missouri 63166–2034:

1. M&P Community Bancshares, Inc. 401(k) Employee Stock Ownership Plan, Newport, Arkansas; to acquire additional voting shares, for a total of 32.07 percent, of M&P Community Bancshares, Inc., and thereby indirectly acquire additional voting shares of Merchants and Planters Bank, both of Newport, Arkansas.

Board of Governors of the Federal Reserve System, November 10, 2010.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 2010–28758 Filed 11–15–10; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreement Filed

The Commission hereby gives notice of the filing of the following agreement under the Shipping Act of 1984. Interested parties may submit comments on the agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within ten days of the date this notice appears in the **Federal Register**. A copy of the agreement is available through the Commission's Web site (*http://www.fmc.gov*) or by contacting the Office of Agreements at (202)–523–5793 or *tradeanalysis@fmc.gov*.

Agreement No.: 201175–002.

Title: Port of NY/NJ Sustainable Services Agreement.

Parties: APM Terminals North America, Inc.; Global Terminal & Container Services LLC; Maher Terminals LLC; New York Container Terminal, Inc.; and Port Newark Container Terminal LLC.

Filing Party: Carol N. Lambos, Esq.; The Lambos Firm, LLP; 303 South Broadway, Suite 410; Tarrytown, NY 10591

Synopsis: The amendment would allow the parties to enter into an agreement with the Port Authority of New York and New Jersey to discuss and agree on matters relating to environmentally sensitive, efficient, and secure marine terminal operations, including RFID technology; obtain and administer government grants to fund technology-related activities; meet with stakeholders to discuss deployment of RFID technologies; and to establish and manage an entity to implement and administer agreements reached regarding RFID and/or other similar technologies. The parties have requested expedited review.

By Order of the Federal Maritime Commission.

Dated: November 10, 2010.

Karen V. Gregory,

Secretary.

[FR Doc. 2010–28869 Filed 11–15–10; 8:45 am]

BILLING CODE P

FEDERAL MARITIME COMMISSION

[Docket No. 10–10]

Draft Cargoways India (PVT.) LTD. v. Damco USA, Inc., Damco A/S, and A.P. Moller-Maersk A/S; Notice of Filing of Complaint and Assignment

Notice is given that a complaint has been filed with the Federal Maritime Commission ("Commission") by DRAFT CARGOWAYS INDIA (PVT.) LTD. ("DRAFT"), hereinafter "Complainant," against DAMCO USA, INC. ("DAMCO US"), DAMCO A/S and A.P. MOLLER-MAERSK A/S ("MAERSK"), hereinafter "Respondents". Complainant asserts that it is a corporation organized and existing pursuant to the laws of India and registered as a foreign corporation in the State of Virginia and a duly licensed and bonded non-vessel-operating common carrier ("NVOCC"). Complainant alleges that Respondent DAMCO US is a Delaware corporation and a licensed NVOCC and freight forwarder, that Respondent DAMCO A/S is a corporation organized and existing pursuant to the laws of Denmark and an NVOCC registered with the Commission; and that Respondent MAERSK is a corporation organized and existing pursuant to the laws of Denmark and a vessel-operating common carrier operating in the U.S. global trades.

Complainant asserts that Respondents violated Sections 8(a)(1), 10(b)(2)(A), 10(b)(11), 10(b)(13) and 10(d)(1) of the Shipping Act of 1984, 46 U.S.C. 40501(a)(1), 41104(2) and (11), 41103(a) and 41102(c). Complainant alleges that Respondent DAMCO A/S provided NVOCC services to Complainant. DAMCO A/S retained MAERSK as the ocean common carrier and DAMCO US as delivery agent for the shipments at issue. Complainant alleges that Respondent DAMCO US "invoiced and attempted to collect amounts from Complainant for demurrage and detention" on the shipments at issue and that "DAMCO A/S' published tariff did not contain any demurrage and detention provisions * * *." Complainant alleges that Respondent DAMCO US has "made * * * false representations, misleading statements or omissions in a Complaint (* * *) filed in the United States District Court for the Eastern District of Virginia" pertaining to the same shipping transactions. Complainant also alleges that Respondents "have repeatedly utilized a 'bait and switch' scheme * * * in misleading the shipping public, including DRAFT, * * * by utilizing DAMCO US, DAMCO A/S, and MAERSK as interchangeable parts" and that the scheme is a "practice." Complainants assert that by using this scheme Respondents "knowingly disclosed, offered, solicited and received information concerning the nature, kind, quantity, destination, shipper, consignee, and routing of the property * * * without the consent of DRAFT and us(ed) that information to the detriment and disadvantage to DRAFT." Complainant asserts that it "has lost significant business to MAERSK generated by its Indian accounts related to subject shipments."

Complainant states that as a direct result of Respondents' violations of the Shipping Act, it has suffered injury. Complainant requests the Commission: compel Respondents to answer the complaint; find Respondents in violation of the Shipping Act; award reparations to Complainant in the amount of $20,725.00 "for amounts paid for demurrage and detention", and $150,000 for lost business and clients; pay interest, costs and attorneys' fees; order Respondents to "cease and desist in the action filed in the United States District Court, Eastern District of Virginia * * * and to cease and desist in attempting to collect amounts for demurrage and detention in the amount of $174,412.50; and impose any other relief as the Commission determines to be proper, fair, and just.

This proceeding has been assigned to the Office of Administrative Law Judges. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61, and only after consideration has been given by the parties and the presiding officer to the use of alternative forms of dispute resolution. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record. Pursuant to the further terms of 46 CFR 502.61, the initial decision of the presiding officer in this proceeding shall be issued by November 9, 2011 and the final decision of the Commission shall be issued by March 8, 2012.

Karen V. Gregory,

Secretary.

[FR Doc. 2010–28726 Filed 11–15–10; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Establishment of the Independence Advisory Council

AGENCY: Department of Health and Human Services.

ACTION: Notice.

Authority: The Independence Advisory Council is authorized under section 3207 of

the Affordable Care Act, Public Law 111–148. The Council is governed by provisions of Public Law 92–463, as amended, (5 U.S.C. App. 2), which sets forth standards for the formation and use of advisory committees.

SUMMARY: The U.S. Department of Health and Human Services announces establishment of the Independence Advisory Council, as directed by section 3207 of Public Law 111–148.

FOR FURTHER INFORMATION CONTACT: Sue McElheny, U.S. Department of Health and Human Services; Tel (202) 357–3521, Fax (202) 357–3467, *classprogram@hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the Affordable Care Act, Public Law 111–148, the President directed that the Council shall be established within the Department of Health and Human Services (HHS). To comply with the authorizing directive and guidelines under the Federal Advisory Committee Act (FACA), a charter has been filed with the Committee Management Secretariat in the General Services Administration (GSA), the appropriate committees in the Senate and U.S. House of Representatives, and the Library of Congress to establish the Council as a non-discretionary Federal advisory committee. The Secretary signed the charter on November 9, 2010. The charter was filed on November 9, 2010.

Objectives and Scope of Activities. The CLASS Independence Advisory Council is the Department's statutory public advisory body on matters of general policy in the administration of the CLASS program in the Affordable Care Act. The Council will provide the Secretary of Health and Human Services with advice and guidance on the development of the CLASS Independence Benefit Plan, the determination of monthly premiums under such plan, and the financial solvency of the program. In these matters, the Council shall consult with all components of the Department, other federal entities, and non-federal organizations, as appropriate; and examine relevant data sources.

Membership and Designation. The CLASS Independence Advisory Council shall consist of not more than 15 individuals, not otherwise in the employ of the United States who shall be appointed by the President without regard to the civil service laws and regulations; and a majority of whom shall be representatives of individuals who participate or are likely to participate in the CLASS program, and shall include representatives of older and younger workers, individuals with disabilities, family caregivers of individuals who require services and supports to maintain their independence at home or in another residential setting of their choice in the community, individuals with expertise in long-term care or disability insurance, actuarial science, economics, and other relevant disciplines, as determined by the Secretary.

The members of the CLASS Independence Advisory Council shall serve overlapping terms of 3 years (unless appointed to fill a vacancy occurring prior to the expiration of a term, in which case the individual shall serve for the remainder of the term). A member shall not be eligible to serve for more than 2 consecutive terms. The President shall, from time to time, appoint one of the members of the CLASS Independence Advisory Council to serve as the Chair. All members will serve as special government employees. All members, while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as such expenses are authorized by Section 5703, Title 5, U.S. Code, for employees serving intermittently.

Nominations shall be submitted to U.S. Department of Health and Human Services, c/o Administration on Aging, Attn: Class Nominations, Washington, DC, 20201 (or) *classprogram@hhs.gov* (or) fax (202) 357–3467 no later than December 1, 2010.

Administrative Management and Support. HHS will provide funding and administrative support for the Council to the extent permitted by law within existing appropriations. Staff will be assigned to a program office established to support the activities of the Council. Management and oversight for support services provided to the Council will be the responsibility of the CLASS Office. All executive departments and agencies and all entities within the Executive Office of the President shall provide information and assistance to the Council as the Chair may request for purposes of carrying out the Council's functions, to the extent permitted by law. A copy of the Council charter can be obtained from the designated contacts or by accessing the FACA database that is maintained by the GSA Committee Management Secretariat. The Web site for the FACA database is *http://fido.gov/facadatabase/.*

Dated: November 10, 2010.

Kathy Greenlee,

Assistant Secretary for Aging.

[FR Doc. 2010–28781 Filed 11–15–10; 8:45 am]

BILLING CODE 4150–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day-11–11AO]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call 404–639–5960 and send comments to Carol E. Walker, CDC Acting Reports Clearance Officer, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an e-mail to *omb@cdc.gov*.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Written comments should be received within 60 days of this notice.

Proposed Project

Gulf Coast Children's Health Study—NEW—National Center for Environmental Health (NCEH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Gulf Coast Children's Health Study addresses an important public health need to assess the potential short-term and long-term health effects among children who lived in Federal Emergency Management Agency (FEMA)-provided temporary housing units (THU) deployed in the Gulf Coast region following hurricanes Katrina and Rita and who were potentially exposed to higher levels of indoor air pollutants such as formaldehyde and other volatile organic compounds compared to other types of housing. These health effects

may include adverse acute and chronic health conditions, primarily respiratory and dermal, that may be associated with their exposures. CDC plans to conduct a scientifically valid environmental epidemiologic study to assess the potential adverse health effects among children.

Plans involve a two-year Feasibility Study to investigate the association between exposure to temporary housing units and health conditions and to assess the practicality of conducting a larger longitudinal study. If certain feasibility objectives are met, such as identifying a sufficient number of eligible participants, a 6-year Full Study will be conducted following the same study design as the Feasibility Study.

The Feasibility Study will be conducted in the states of Louisiana and Mississippi. The study will assess the potential health impacts from exposures to various indoor pollutants (*e.g.,* formaldehyde and other volatile organic compounds and plasticizers, including phthalates) commonly found in higher concentrations in the temporary housing units compared with other types of housing.

In the study, a 1:1 ratio of exposed and unexposed children age 5–17 years will be recruited. Children who resided in temporary housing units will be categorized into the "exposed" group and children who did not reside in temporary housing units will be categorized into the "unexposed" group. A screening questionnaire will be used to assess eligibility and exposure to temporary housing units. The screening questionnaire will be conducted with one adult resident of each selected household. Based on responses to the screening questions, one eligible child will be selected for the study from each participating household. To obtain the desired sample size, we plan to screen 2,500 households in order to identify 700 eligible children. Of these, it is expected that 80%, or 560 children, will agree to participate in the study.

The Feasibility Study will involve a baseline and a 6-month follow-up assessment for each participant. The baseline assessment will include a health questionnaire, clinical assessment including biological sample collection, and environmental exposure measurement. The environmental exposure assessment will be collecting biomarkers of exposure and measuring exposures to environmental pollutants using personal and indoor sampling devices over a 7-day period. In the 6-month follow-up assessment, a shorter version of the health questionnaire and the same clinical and environmental exposure assessments will be conducted.

Accounting for a 10% loss to follow-up, the sample size for the 6-month follow-up assessment is projected to be 504 children. If a determination is made to conduct the Full Study, these 504 children will be part of the Full Study and continue to participate in the rest of five follow-up assessments occurring at 9-month intervals.

There is no cost to the participants except their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Type of instrument	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Household member 18 years or older	Eligibility Screener	2,500	1	10/60	417
Children ages 5–17	Baseline Assessment	560	1	1.25	700
Parents of children ages 5–17	Baseline Assessment	560	1	1.5	840
Children ages 5—17	6-Month Follow-up Assessment.	504	1	50/60	420
Parents of children ages 5–17	6–Month Follow-up Assessment.	504	1	1.25	630
Total					3,007

Dated: November 9, 2010.

Carol E. Walker,

Acting Reports Clearance Officer, Centers for Disease Control and Prevention.

[FR Doc. 2010–28787 Filed 11–15–10; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60-Day–11–0338]

Agency Forms Undergoing Paperwork Reduction Act Review

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call 404–639–5960 or send comments to Carol E. Walker, CDC Acting Reports Clearance Officer, 1600 Clifton Road, MS D–74, Atlanta, GA 30333 or send an e-mail to *omb@cdc.gov.*

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Written comments should be received within 60 days of this notice.

Proposed Project

Annual Submission of the Ingredients Added to, and the Quantity of Nicotine Contained in, Smokeless Tobacco Manufactured, Imported, or Packaged in the U.S. (OMB No. 0920–0338, exp. 4/30/2011)—Extension—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The oral use of smokeless tobacco (SLT) products represents a significant health risk. Smokeless tobacco products contain carcinogens which can cause cancer and a number of non-cancerous

oral conditions, as well as leading to nicotine addiction and dependence. Furthermore, SLT use is not a safe substitute for cigarette smoking. Adolescents who use smokeless tobacco are more likely to become cigarette smokers.

The Centers for Disease Control and Prevention (CDC), Office on Smoking and Health (OSH), has primary responsibility for the Department of Health and Human Services (HHS) smoking and health program. HHS's overall goal is to reduce death and disability resulting from the use of smokeless tobacco products and other forms of tobacco through programs of information, education and research.

The Comprehensive Smokeless Tobacco Health Education Act of 1986 (CSTHEA, 15 U.S.C. 4401 *et seq.,* Pub. L. 99–252) requires each person who manufactures, packages, or imports smokeless tobacco products to provide the Secretary of Health and Human Services (HHS) with a list of ingredients added to tobacco in the manufacture of smokeless tobacco products. CSTHEA further requires submission of the quantity of nicotine contained in each smokeless tobacco product. Finally, the legislation authorizes HHS to undertake research, and to report to Congress (as deemed appropriate) discussing the health effects of these ingredients.

HHS has delegated responsibility for implementing the required information collection to CDC's Office on Smoking and Health. Respondents are not required to submit specific forms; however, they are required to meet reporting guidelines and to submit the ingredient report by chemical name and Chemical Abstract Service (CAS) Registration Number, consistent with accepted reporting practices for other companies that are required to report ingredients added to other consumer products. Typically, respondents submit a summary report to CDC with the ingredient information for multiple products, or a statement that there are no changes to their previously submitted ingredient report. Respondents may submit the required information to CDC through a designated representative.

Ingredient reports for new SLT products are due at the time of first importation. Thereafter, ingredient reports are due annually on March 31. Information is submitted to OSH by mailing a written report on the respondent's letterhead, by CD, three-inch floppy disk, or thumb drive. Electronic mail submissions are not accepted. Upon receipt and verification of the annual nicotine and ingredient report, OSH issues a Certificate of Compliance to the respondent.

There are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Smokeless Tobacco Manufacturers, Packagers, and Importers.	SLT Nicotine and Ingredient and Report.	11	1	1,713	18,843

Dated: November 9, 2010.

Carol E. Walker,

Acting Reports Clearance Officer, Centers for Disease Control and Prevention.

[FR Doc. 2010–28786 Filed 11–15–10; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Office of Community Services (OCS) Community Economic Development (CED) and Job Opportunities for Low-Income Individuals (JOLI) Standard Reporting Format.

OMB No.: New Collection.

Description: The Office of Community Services (OCS) is collecting key information about projects funded through the Community Economic Development (CED) and Job Opportunities for Low-Income Individuals (JOLI) programs. The legislative requirement for these two programs is in Title IV of the Community Opportunities, Accountability and Training and Educational Services Act (COATS Human Services Reauthorization Act) of October 27, 1998, Public Law 105–285, section 680(b) as amended. The Performance Progress Report (PPR) is a new proposed reporting format that will collect information concerning the outcomes and management of CED and JOLI projects. OCS will use the data to critically review the overall design and effectiveness of each program.

The PPR will be administered to all active grantees of the CED and JOLI programs. Grantees will be required to use this reporting tool for their semiannual reports. The majority of the questions in this tool were adapted from a previously approved questionnaire, Office of Management and Budget (OMB) Control Number: 0970–0317. Questions were also adapted to the OMB-approved reporting format of the PPR, specifically forms SF–PPR, SF–PPR–A, SF–PPR–B, and SF–PPR–E. Additional changes were made to improve the clarity and quality of the data and to eliminate unnecessary questions. The PPR will replace both the annual questionnaire and the current semi-annual reporting format, which will result in an overall reduction in burden for the grantees while significantly improving the quality of the data collected by OCS.

Respondents: Current CED and JOLI grantees.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Questionnaire for current OCS–JOLI grantees	40	2	1.50	120
Questionnaire for current OCS–CED grantees	170	2	1.50	510

Estimated Total Annual Burden Hours: 630.

Additional Information:

Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, *Attn:* ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. *E-mail address: infocollection@acf.hhs.gov.*

OMB Comment:

OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following:

Office of Management and Budget, Paperwork Reduction Project, *Fax:* 202–395–7285, *E-mail: OIRA_SUBMISSION@OMB.EOP.GOV, Attn:* Desk Officer for the Administration for Children and Families.

Dated: November 10, 2010.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2010–28855 Filed 11–15–10; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Development of Health Risk Assessment Guidance

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Request for Information.

SUMMARY: The Centers for Disease Control and Prevention (CDC) located within the Department of Health and Human Services (HHS) is seeking public comment on the development of guidance concerning Health Risk Assessment (HRAs). Section 4103 of the Affordable Care Act (ACA) (Pub. L. 111–148) requires that a health risk assessment be included in the annual wellness visit benefit authorized for Medicare beneficiaries under the ACA. CDC is collaborating with the Centers for Medicare and Medicaid Services (CMS), also located within HHS, in the development of guidance for this type of assessment. This guidance is also intended to be useful for HRAs conducted in other patient populations such as privately insured populations, including those persons covered by employer healthcare plans. Comments received from this request for information will be used to inform the HRA guidance development process.

DATES: Written comments must be received on or before January 3, 2011. Comments received after January 3, 2011 will be considered to the extent possible.

ADDRESSES: You may submit written comments to the following address: Office of Prevention through Healthcare, Office of the Associate Director for Policy, Centers for Disease Control and Prevention, 1600 Clifton Road, NE., Mailstop D–28, Atlanta, Georgia, 30333, ATTN: Health Risk Assessment Guidance.

You may also submit written comments via e-mail to: *OPTH@cdc.gov.* Please use "Health Risk Assessment Guidance" for the subject line.

Submitted comments will be available for public review from Monday through Friday, except for legal holidays, from 9 a.m. until 5 p.m. Eastern Standard Time, at 1600 Clifton Road NE., Atlanta, Georgia 30333. Please call ahead to 1–404–639–0210 and ask for a representative in the Office of Prevention through Healthcare to schedule your visit. Comments will also be available for viewing at the following Internet address: *http://www.cdc.gov/policy/opth/.*

CDC will make all comments it receives available to the public without change, including personal information you may provide, which includes the name of the person submitting the comment or signing the comment on behalf of an organization, business, or any such entity. If anyone does not wish to have this information published, then that information should not be included when submitting the comment.

FOR FURTHER INFORMATION CONTACT: Paula Staley, Office of Prevention through Healthcare, Associate Director for Policy, Centers for Disease Control and Prevention, 1600 Clifton Road, NE., Mailstop D–28, Atlanta, Georgia, 30333, telephone: (404) 639–0210.

SUPPLEMENTARY INFORMATION:

Section 4103 of the Affordable Care Act (ACA) requires that a health risk assessment be included in the annual wellness visit benefit authorized for Medicare beneficiaries under the ACA. CDC is collaborating with CMS to develop guidance for this type of assessment. This guidance is also intended to be useful for HRAs conducted in other patient populations such as privately insured populations, including those persons covered by employer healthcare plans.

Currently there is considerable variation in available HRAs, with the majority of assessments created to support employer-based health and wellness programs. Several instruments have been created for use in research and are not available in the marketplace; and the scientific rigor of HRA tools is not always evident. Therefore, the development of HRA guidance is essential for effective implementation of this part of the Medicare wellness visit and to support broader HRA use within primary care.

Although comments on any aspect of the guidance development process will be accepted, comments are especially solicited about these areas of emphasis:

Content and Design

- Risk assessment domains—What are generic elements of any HRA and what elements must be tailored to specific populations, particularly those stratified by age?
- How should literacy and other cultural appropriateness factors be factored into the design?
- How should the HRA instrument support shared decision-making by provider and patient?

Mode of Administration

- How will individuals access the HRA (*e.g.,* via kiosk or some other means in the physician's office, Internet, mail-in paper form, other non-traditional healthcare locations, such as, kiosk in a pharmacy)?
- What are the cultural appropriateness factors in patient HRA access?

Primary Care Office Capacity

- What primary care office capacity (personnel, Information Technology (IT), etc) is required to utilize HRA data effectively in support of personalized prevention planning?
- Are training and technical assistance necessary for effective practice utilization of an HRA? What entity should provide this technical assistance?
- What are potential or demonstrated community care transition linkages—follow-up outside the office by other providers—that help patients and providers manage priority risks identified by the HRA?
- What is the current practice of HRA in medical practices of various sizes, particularly those with five or fewer physicians?

Consumer/Patient Perspective

• How could HRA data be shared with the patients for their feedback and follow up in the primary care practice?

• What role, if any, do incentives play in motivating patients to take the HRA and/or participate in follow-up interventions?

Data

• With respect to Information Technology (IT), how could HRA data entered in any form populate electronic health records, and what special challenges and solutions occur if the data are entered in a non-electronic form?

• Are there standardized and certified tools available to support this data migration from multiple data entry sources?

Certification

• What certification tools and processes should complement the HRA guidance and how should they be made available to support primary care office selection of an HRA instrument?

Evaluation and Quality Assurance

• How should the HRA guidance be evaluated and updated with respect to individual and population-level (practice-based panel management) health outcomes?

Public Forum: CDC plans to convene a public forum in early February 2011 to highlight some of the key challenges, barriers, opportunities and innovations related to HRA standardization. The public forum will consist of panel presentations followed by public comment. CDC will publish a separate notice in the **Federal Register** announcing additional information for the Public Forum.

Dated: November 8, 2010.

Tanja Popovic,

Deputy Associate Director for Science, Centers for Disease Control and Prevention.

[FR Doc. 2010–28788 Filed 11–15–10; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, HHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by an agency of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301/496–7057; fax: 301/402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

Novel Anti-HIV Acylthiol Drugs and Thioether Prodrugs

Description of Invention: The inventions provide the compositions, pharmaceutical carrier, and usages of the new Acylthiols (E–329–2000 family) and Thioether pro-drug (E–177–2010 family) compounds in treatment of retroviral infections such as HIV. More specifically, these compounds target the highly-conserved nucleocapsid protein of HIV–1. Activity of these compounds against the nucleocapsid protein leads to inactivation of the virus via disruption of the zinc fingers, integral for infectivity, without significantly affecting cellular proteins. Finally, these inventions can be prepared from inexpensive starting materials and two "one-pot" reactions. Thus, they open the possibility for an effective drug treatment for HIV that could reach underdeveloped countries. These new compounds have the potential to be used both as a systemic drug for the treatment of HIV–1 infection and as a topically-applied barrier to prevent viral transmission.

Applications: Treatment and prevention of HIV infections.

Advantages:

• Potent anti-HIV activity.

• Could be used both systemically and locally.

• Unlikely to develop any drug resistance.

• Can be inexpensively manufactured in a large scale.

Development Status: In vitro data available.

Market: According to the 2008 UNAIDS report, there were 33 million people living with AIDS in 2007, with 2.7 million new cases occurring in that year. In the US alone, there are 1.2 million AIDS patients.

The anti-HIV drug market is among the fastest-growing pharmaceutical markets in the world. Due to the large target market, duration of therapy (lifetime), and nature of the disease (incurable), manufacturers will continue to benefit from technological advancements. In 2007, the seven Major Markets (7MM; US, Japan, Italy, Germany, UK, Spain and France) generated $9.3B in sales of antiretroviral drugs. These markets are expected to grow to $15.1B by 2017.

The current product market segments for anti-retrovirals are: protease inhibitors (PI), nucleoside reverse transcriptase inhibitors (NRTI), non-nucleoside reverse transcriptase inhibitors (NNRTI), entry inhibitors (EI), integrase inhibitors (II), and maturation inhibitors (Other).

Inventors: Daniel Appella (NIDDK), Ettore Appella (NCI), John K. Inman (NIAID), Deyun Wang (NIDDK), Lisa M. Miller Jenkins (NCI), Ryo Hayashi (NCI).

Publications:

1. Miller Jenkins LM, *et al.* Nature Chemical Biology, in press.

2. Miller Jenkins LM, *et al.* Specificity of acyl transfer from 2-mercaptobenzamide thioesters to the HIV–1 nucleocapsid protein. J Am Chem Soc. 2007 Sep12;129(36):11067–11078. [PubMed: 17705474]

3. Schito ML, *et al.* In vivo antiviral activity of novel human immunodeficiency virus type 1 nucleocapsid p7 zinc finger inhibitors in a transgenic murine model. AIDS Res Hum Retroviruses. 2003 Feb;19:91–101. [PubMed: 12639244]

Patent Status:

• U.S. Provisional Application No. 61/353,274 filed 10 Jun 2010 (HHS Reference No. E–177–2010/0–US–01).

• PCT/US02/23924 (HHS Reference No. E–329–2000/0–PCT–02) and entered national stage in the U.S. (Patent No. 7,528,274 and Patent Application No. 12/414,321), Canada (Patent Application No. 2456083), Australia (Patent No. 2002322721), and Europe (Patent Application No. 02756732.0).

Licensing Status: Available for licensing.

Licensing Contact: Sally Hu, Ph.D.; 301–435–5606; *HuS@mail.nih.gov.*

Collaborative Research Opportunity: The Laboratory of Cell Biology, Center for Cancer Research is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize the above invention for the treatment/prevention of HIV infection. Please contact John Hewes, Ph.D. at 301–435–3121 or *hewesj@mail.nih.gov* for more information.

Scanningless Multiphoton Microscopy with Diffraction-Limited Axial Resolution

Description of Invention: The technology offered for licensing is a scanningless multiphoton microscope for performing 3-dimensional imaging that achieves diffraction-limited resolution. The microscope combines temporal multiplexing with spatial dispersion to achieve diffraction-limited resolution without having to mechanically scan the sample (a field of view up to 30x30 microns). The wide-field excitation of the sample allows imaging rates in excess to prior art multiphoton microscopes while still achieving diffraction-limited axial resolution. The microscope includes a laser source that generates a femtosecond laser beam that passes through a stair-step optic having a variable thickness piece of glass arranged such that each "strip" of the laser beam is delivered at a different relative delay. Each strip exits the stair-step optic and is imaged onto the surface of a diffraction grating by two imaging lenses and a mirror. The diffraction grating sends the different wavelengths that compose each horizontal strip of the laser beam in different directions. Another pair of lenses, such as the imaging lens and objective lens (e.g., high numerical aperture objective) images and de-magnifies the surface of the diffractive grating into a biological sample that causes an excitation to occur in the sample. The ensuing excitation generates fluorescence in the sample confined to the focal plane of the objective lens, where the excitation is maximized. The fluorescence is collected through the objective lens and then by a CCD camera.

Applications:

• The invention provides a high resolution multiphoton microscopy device to the laboratory instrumentation market.

• The uses of such a device would predominantly be for research in biological imaging.

• The device provides the ability to image a large frame rapidly and with relatively low energy and thus without burning the sample or destroying subcellular structures.

Inventors: Hari Shroff and Andrew York (NIBIB).

Patent Status: U.S. Provisional Application No. 61/385,409 filed 22 Sep 2010 (HHS Reference No. E–105–2010/0–US–01).

Licensing Status: Available for licensing.

Licensing Contacts:

• Uri Reichman, Ph.D., MBA; 301–435–4616; *UR7a@nih.gov.*

• Michael Shmilovich, Esq.; 301–435–5019; *ShmilovichM@mail.nih.gov.*

Collaborative Research Opportunity: The National Institute of Biomedical Imaging and Bioengineering Section on High Resolution Optical Imaging is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize this invention. Please contact Dr. Henry Eden at *edenh@mail.nih.gov* for more information.

Myosin-Based Protein-Protein Interaction Assay

Description of Invention: Investigators at the National Institute on Deafness and Other Communication Disorders (NIDCD) have developed an assay for the detection of protein-protein interactions in living cells. This assay uses readily-available reagents and straightforward techniques that avoid the difficulty of purifying proteins or generating antibodies required for other binding studies. Proof-of-concept for this assay has been demonstrated, and a manuscript is in preparation for publication.

This technology utilizes a molecular motor, myosin X, which migrates along actin filaments within cells. A protein fused to a fragment of myosin X will carry its binding partners to the cell periphery. Since the myosin fusion protein and its partner are labeled with different fluorescent tags, an unambiguous fluorescence overlap will be visible as discrete points along the periphery of the cell. The inventors have designed a number of cDNAs for the construction of fusion proteins appropriate for such an assay.

Available for licensing are a variety of cDNAs which may be used for generating fluorescently-tagged myosin X fusion proteins, for use in the assay described above. Also available are a number of constructs incorporating other fluorescently-tagged myosins, kinesins, myosin and kinesin binding partners and a variety of PDZ scaffold proteins. Further details of the available cDNAs are available upon request.

Applications:

• Identification of protein-protein binding interactions in living cells.

• DNA-based tools for study of myosins, trafficking, signaling complexes and other research focusing on molecular motors.

Advantages:

• Assay avoids the need to purify proteins or generate antibodies for binding studies.

• Protein-protein interactions can be unambiguously identified.

Development Status: Proof of concept has been demonstrated.

Inventors: Erich T. Boger, Inna A. Belyantseva, Thomas B. Friedman (NIDCD).

Relevant Publication: Belyantseva IA et al. Myosin-XVa is required for tip localization of whirlin and differential elongation of hair-cell stereocilia. Nat Cell Biol. 2005 Feb;7(2):148–156. [PubMed: 15654330]

Patent Status: HHS Reference Nos. E–069–2009/0, E–069–2009/1, E–069–2009/2, E–069–2009/3, E–069–2009/4, E–069–2009/5, E–069–2009/6, and E–069–2009/7—Research Tool. Patent protection is not being sought for this invention.

Licensing Status: Available for licensing under a Biological Materials License Agreement.

Licensing Contact: Tara L. Kirby, Ph.D.; 301–435–4426; *tarak@mail.nih.gov.*

Dated: November 9, 2010.

Richard U. Rodriguez,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 2010–28847 Filed 11–15–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2009–D–0448]

Guidance for Industry, Mammography Quality Standards Act Inspectors, and Food and Drug Administration Staff; The Mammography Quality Standards Act Final Regulations: Modifications and Additions to Policy Guidance Help System #13; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of the guidance entitled "The Mammography Quality Standards Act Final Regulations: Modifications and Additions to Policy Guidance Help System #13." This document is intended to assist mammography facilities and their personnel in meeting the requirements of the Mammography Quality Standards Act (MQSA) regulations.

DATES: Submit either electronic or written comments on this guidance at any time. General comments on Agency

guidance documents are welcome at any time.

ADDRESSES: Submit written requests for single copies of the guidance document entitled "The Mammography Quality Standards Act Final Regulations: Modifications and Additions to Policy Guidance Help System #13" to the Division of Small Manufacturers, International, and Consumer Assistance, Center for Devices and Radiological Health (CDRH), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, rm. 4613, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request, or fax your request to 301–847–8149. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance.

Submit electronic comments on the guidance to *http://www.regulations.gov*. Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Identify comments with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Charles Finder, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, rm. 4646, Silver Spring, MD 20993–0002, 301–796–5710.

SUPPLEMENTARY INFORMATION:

I. Background

MQSA (Pub. L. 102–539) was signed into law on October 27, 1992, to establish national quality standards for mammography. It is codified at 42 U.S.C. 263b. The MQSA requires that, in order to lawfully provide mammography services after October 1, 1994, all facilities, except facilities of the Department of Veterans Affairs, must be accredited by an approved accreditation body and certified by the Secretary of Health and Human Services (the Secretary) or by an approved State certification Agency (section 354(b) of the MQSA, (42 U.S.C. 263b(b))). In June 1993, the authority to approve accreditation bodies and State certification agencies and to certify facilities was delegated by the Secretary to FDA (June 10, 1993, 58 FR 32543). On October 28, 1997, FDA first published final regulations implementing the MQSA in the **Federal Register** (part 900 (21 CFR part 900)). The MQSA has twice been amended since its enactment, through the Mammography Quality Standards Reauthorization Acts of 1998 and 2004 (Pub. L. 105–248 and 108–365).

This guidance updates the Policy Guidance Help System (PGHS) and addresses or contains the following:

1. Updated contact information for accreditation bodies and certification agencies;
2. General guidance regarding Additional Mammography Reviews;
3. Previously approved alternative standards;
4. Centers for Medicare and Medicaid Services reimbursement;
5. Mechanisms to inform physicians and patients of mammography results;
6. Mammographic modality and its impact on personnel requirements;
7. Clarification of the personnel 6-month exemption period;
8. Information on calibrating the air kerma measuring instrument;
9. Medical physicist involvement as it applies to cassette replacement;
10. Full Field Digital Mammography (FFDM) and use of single-use cushion pads;
11. Quality control testing of computer controlled compression devices;
12. Mammography equipment evaluations of laser printers;
13. Quality control testing of monitors and laser printers;
14. Mammography equipment evaluations of new FFDM units; and
15. Mammography equipment evaluations of off-site laser printers and monitors.

The draft of this guidance was made available in the **Federal Register** of October 9, 2009 (74 FR 52242). The comment period closed on January 7, 2010. During the public comment period, 4 respondents submitted a total of 14 comments. In addition, the National Mammography Quality Assurance Advisory Committee reviewed the draft guidance during its January 25, 2010, meeting and provided additional comments. FDA reviewed and considered all the comments and in response FDA has modified the draft guidance as follows by:

1. Providing the most current accreditation body and certification Agency contact information;
2. Clarifying that original or lossless compressed digital image files may be acceptable for record transfer;
3. Clarifying the conditions under which an Additional Mammography Review conducted by an outside entity would be acceptable to FDA;
4. Deleting the question and answer dealing with image labeling;
5. Modifying the section on the use of attestation to include attesting to the specific mammographic modality included in personnel's initial training;
6. Clarifying the guidance on the use of non-invasive kilovolts peak (kVp) meters; and
7. Recommending the inclusion of cushion pad(s) when performing automatic exposure control testing.

In November 1998, FDA compiled all to-date final FDA guidances related to MQSA and put them into a computerized searchable database called the PGHS. The PGHS is available on the Internet at: *http://www.fda.gov/Radiation-EmittingProducts/MammographyQualityStandardsActandProgram/Guidance/PolicyGuidanceHelpSystem/default.htm*.

FDA periodically updates the information in the PGHS and this document serves as a further update. Individuals wishing to receive automatic notification of future updates may subscribe to our E-mail ListServ by visiting *http://service.govdelivery.com/service/subscribe.html?code=USFDA_45* and following the directions.

II. Significance of Guidance

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the Agency's current thinking. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statute and regulations.

III. Electronic Access

Persons interested in obtaining a copy of the guidance may do so by using the Internet. A search capability for all CDRH guidance documents is available at *http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/default.htm*. Guidance documents are also available at *http://www.regulations.gov*. To receive "The Mammography Quality Standards Act Final Regulations: Modifications and Additions to Policy Guidance Help System #13," you may either send an e-mail request to *dsmica@fda.hhs.gov* to receive an electronic copy of the document or send a fax request to 301–847–8149 to receive a hard copy. Please use the document number 1695 to identify the guidance you are requesting.

IV. Paperwork Reduction Act

This guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork

Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in part 900 have been approved under OMB control number 0910–0309.

V. Comments

Interested persons may submit to the Division of Dockets Management (*see* **ADDRESSES**), either electronic or written comments regarding this document. It is only necessary to send one set of comments. It is no longer necessary to send two copies of mailed comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: November 10, 2010.

Nancy K. Stade,

Deputy Director for Policy, Center for Devices and Radiological Health.

[FR Doc. 2010–28762 Filed 11–15–10; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–1344–CN]

RIN 0938–AP89

Medicare Program; Inpatient Rehabilitation Facility Prospective Payment System for Federal Fiscal Year 2011; Correction

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Correction notice.

SUMMARY: This document corrects a technical error that appeared in the notice published in the July 22, 2010 **Federal Register** entitled, "Inpatient Rehabilitation Facility Prospective Payment System for Federal Fiscal Year 2011."

DATES: *Effective Date.* This correction is effective for IRF discharges occurring on or after October 1, 2010 and on or before September 30, 2011.

FOR FURTHER INFORMATION CONTACT: Susanne Seagrave, (410) 786–0044.

SUPPLEMENTARY INFORMATION:

I. Background

In FR Doc. 2010–17621 of July 22, 2010 (75 FR 42836), there was a technical error that we are identifying and correcting in the "Correction of Errors" section below. The provisions in this correction notice are effective as if they had been included in the document published July 22, 2010. Accordingly, the corrections are effective October 1, 2010.

II. Summary of Errors

In the July 22, 2010 notice (75 FR 42836), we applied our established formula for calculating the national cost-to-charge (CCR) ceiling. Using that formula, the national CCR ceiling should have been calculated to be 1.61. It was inadvertently listed on page 42856 as 2.94 due to a calculation error. Thus, we are correcting page 42856 to reflect the correct result of the application of the established formula. The corrected national CCR ceiling is 1.61 for FY 2011.

III. Correction of Errors

In FR Doc. 2010—17621 of July 22, 2010 (75 FR 42836), make the following corrections:

1. On page 42856, in column 1, in line 23 from the top of the page, the value "2.94" is corrected to read "1.61."

2. On page 42856, in column 1, in line 25 from the top of the page, the value "2.94" is corrected to read "1.61."

IV. Waiver of Proposed Rulemaking and Delayed Effective Date

We ordinarily publish a notice of proposed rulemaking in the **Federal Register** to provide a period for public comment before the provisions of a rule take effect in accordance with section 553(b) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). We also ordinarily provide a 30-day delay in the effective date of the provisions of a rule in accordance with section 553(d) of the APA (5 U.S.C. 553(d)). However, we can waive both notice and comment procedures and the 30-day delay in effective date if the Secretary finds, for good cause, that such procedures are impracticable, unnecessary, or contrary to the public interest, and incorporates a statement of the finding and the reasons into the notice.

The policies and payment methodology expressed in the FY 2011 IRF PPS notice (75 FR 42836) have previously been subjected to notice and comment procedures. This correction notice merely provides a technical correction to the FY 2011 notice, and does not make substantive changes to the policies or payment methodologies that were expressed in that notice. Therefore, we find it unnecessary to undertake further notice and comment procedures with respect to this correction notice. We also believe that it is in the public interest (and would be contrary to the public interest to do otherwise) to waive notice and comment procedures and the 30-day delay in effective date for this notice. This correction notice is intended to ensure that the FY 2011 IRF PPS notice accurately reflects the payment methodologies and policies expressed in the notice, and that the correct information is made available to the public. Therefore, we find good cause to waive notice and comment procedures and the 30-day delay in the effective date for this correction notice.

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: November 9, 2010.

Dawn L. Smalls,

Executive Secretary to the Department.

[FR Doc. 2010–28814 Filed 11–15–10; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the President's Cancer Panel.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: President's Cancer Panel.

Date: December 14, 2010.

Time: 8 a.m. to 4:45 p.m.

Agenda: The Future of Cancer Research: Accelerating Scientific Innovation.

Place: National Institutes of Health, Building 31, 31 Center Drive, 6C10, Bethesda, MD 20892.

Contact Person: Abby B. Sandler, PhD, Executive Secretary, Chief, Institute Review Office, Office of the Director, 6116 Executive Blvd., Suite 220, MSC 8349, National Cancer Institute, NIH, Bethesda, MD 20892–8349, (301) 451–9399, *sandlera@mail.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one

form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit. Information is also available on the Institute's/Center's home page: *deainfo.nci.nih.gov/advisory/pcp/pcp.htm,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: November 9, 2010.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–28848 Filed 11–15–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; Stroke.

Date: December 14, 2010.

Time: 1 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Richard D. Crosland, PhD, Scientific Review Administrator, Scientific Review Branch, Division of Extramural Research, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Room 3204, MSC 9529, Bethesda, MD 20892, 301–594–0635, *Rc218u@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: November 9, 2010.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–28841 Filed 11–15–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: HIV/AIDS Vaccines.

Date: December 1–2, 2010.

Time: 8 a.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Kenneth A. Roebuck, PhD Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5106, MSC 7852, Bethesda, MD 20892, (301) 435–1166, *roebuckk@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Neurophysiology.

Date: December 6, 2010.

Time: 2 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Toby Behar, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4136, MSC 7850, Bethesda, MD 20892, (301) 435–4433, *behart@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: November 9, 2010.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–28842 Filed 11–15–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel; Large-Scale Collaborative Projects Awards.

Date: December 6–7, 2010.

Time: 10 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building, 45 Center Drive, Room 3AN–12, Bethesda, MD 20892, (Hybrid Meeting)

Contact Person: Arthur L. Zachary, PhD, Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, Natcher Building, Room 3AN12, Bethesda, MD 20892, 301–594–2886, *zacharya@nigms.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: November 9, 2010.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–28849 Filed 11–15–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–N–0001]

External Defibrillators; Public Workshop

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshop.

The Food and Drug Administration (FDA) is announcing the following public workshop: FDA Public Workshop on External Defibrillators. The purpose of the public workshop is to share FDA's understanding of the risks and benefits of external defibrillators, to clarify FDA's current expectations for how industry should identify, report, and take action on problems observed with these devices, and to promote innovation for next-generation devices that will bring safer, more effective external defibrillators to market.

Dates and Time: The public workshop will be held on December 15, 2010, from 8 a.m. to 5:30 p.m., and on December 16, 2010, from 8 a.m. to 2 p.m. Persons interested in attending this public workshop must register by 5 p.m. on December 8, 2010.

Location: The public workshop will be held in the Great Room at the Food and Drug Administration, White Oak Campus, Bldg. 31, 10903 New Hampshire Ave., Silver Spring, MD 20903.

Contact: Megan Moynahan, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, rm. 5404, Silver Spring, MD 20903, 301–796–5435, FAX: 301–847–8510, or e-mail: *Megan.Moynahan@fda.hhs.gov.*

Registration and Requests for Oral Presentations: Registration is free and will be on a first-come, first-served basis. To register for the public workshop, please visit the following Web site: *http://www.fda.gov/MedicalDevices/NewsEvents/WorkshopsConferences/ucm232062.htm* (or go the FDA Medical Devices New & Events—Workshops & Conferences calendar and select this public workshop from the posted events list). Please provide complete contact information for each attendee, including name, title, affiliation, address, e-mail, and telephone number. For those without Internet access, please call the contact person to register. Registration requests should be received by 5 p.m. on December 8, 2010. Early registration is recommended because seating is limited and, therefore, FDA may limit the number of participants from each organization. If time and space permit, onsite registration on the day of the public workshop will be provided beginning at 7:30 a.m.

Registrants requesting to present written material or to make oral presentations at the public workshop, please call the contact person by November 29, 2010.

If you need special accommodations due to a disability, please contact Susan Monahan (e-mail: *Susan.Monahan@fda.hhs.gov*) at least 7 days in advance.

SUPPLEMENTARY INFORMATION:

I. Background

External defibrillators (including automated external defibrillators (AEDs)) are life-saving devices designed to restore normal heart rhythms following sudden cardiac arrest. Each year, nearly 300,000 Americans collapse from sudden cardiac arrest. In sudden cardiac arrest, the heart unexpectedly stops pumping blood to the body. When normal heart rhythms are not restored quickly, sudden cardiac arrest can cause death.

External defibrillators are important, life-saving devices. However, over the past 5 years we have seen persistent safety problems with all types of external defibrillators, across all manufacturers of these devices. From January 1, 2005, to July 10, 2010, there were a total of 68 recalls, of which 9 occurred in 2005 increasing to 17 in 2009 (the last complete year for which data are available). During this period, FDA received over 28,000 medical device reports (MDRs), of which 4,210 occurred in 2005 increasing to 7,807 in 2009 (the last complete year for which data are available). FDA conducted multiple inspections of all external defibrillator manufacturers throughout this time period.

Many of the types of problems we have identified are preventable, correctable, and impact patient safety. As part of a comprehensive review, FDA identified several industry practices that have contributed to these persistent safety risks including industry practices for designing and manufacturing defibrillators, handling user complaints, conducting recalls, and communicating with users. In some cases, these practices can contribute to device performance problems, place undue burden on users, and put patients at risk.

To date, FDA has addressed individual device problems on a case-by-case basis. However, our analysis of MDRs, recalls, and inspections confirms that common problems persist across all types of external defibrillators and all manufacturers. One purpose of the public workshop is to share FDA's understanding of the risks and benefits of external defibrillators and to clarify FDA's current expectations for how industry should identify, report, and take action on problems observed with these devices.

In addition, to promote innovation and to better understand patient outcomes, FDA is collaborating with the University of Colorado's Department of Emergency Medicine and the Centers for Disease Control and Prevention (CDC) to develop a multi-city AED registry that will link with the CDC-funded Cardiac Arrest Registry to Enhance Survival (CARES). The registry will provide the infrastructure to foster the development of innovative AED features such as automated integration into local 9–1–1 systems. FDA will work with multiple stakeholders to facilitate the development of next-generation defibrillators, enhance surveillance of defibrillators in community settings, and improve the rapid delivery of treatment for sudden cardiac arrest patients. One purpose of the public workshop on December 15 and 16, 2010, is to advance these efforts by bringing together government, industry, academia, and users, including clinicians and consumers, to share perspectives.

II. Topics for Discussion at the Public Workshop

The public workshop will be organized to allow facilitated discussion by industry, academia, clinicians, users, and regulators on the following broad topic areas:

1. What are the nature, scope, and impact of external defibrillator problems that have been observed? What are the root causes of these problems?

2. How should problems with external defibrillators be identified, reported, and acted upon by industry and users?

3. What factors or criteria should be considered when designing external defibrillators for use in different environments (hospital, community, home)?

4. What features of next generation devices can be defined that will increase the diffusion of new technologies, enhance device interoperability, and improve ease of use?

5. How might device registries improve our ability to identify early device performance signals, or enhance the use of external defibrillators?

III. Transcripts

Please be advised that as soon as a transcript is available, it can be obtained in either hardcopy or on CD–ROM, after submission of a Freedom of Information request. Written requests are to be sent to Division of Freedom of Information (HFI–35), Office of Management Programs, Food and Drug Administration, 5600 Fishers Lane, rm. 6–30, Rockville, MD 20857. A link to the transcripts will also be available on the Internet at *http://www.fda.gov/MedicalDevices/NewsEvents/WorkshopsConferences/default.htm* (select this public workshop from the posted events list), approximately 45 days after the public workshop.

Dated: November 9, 2010.

Nancy K. Stade,

Deputy Director for Policy, Center for Devices and Radiological Health.

[FR Doc. 2010–28763 Filed 11–15–10; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

Agency Information Collection Activities: Form I–566, Extension of a Currently Approved Information Collection; Comment Request

ACTION: 30-Day Notice of Information Collection Under Review: Form I–566, Interagency Record of Individual Requesting Change/Adjustment To or From A or G Status or Requesting A, G, or NATO Dependent Employment Authorization; OMB Control No. 1615–0027.

The Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection was previously published in the **Federal Register** on August 26, 2010, at 75 FR 52538, allowing for a 60-day public comment period. USCIS did not receive any comments for this information collection.

The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until December 16, 2010. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Department of Homeland Security (DHS), and to the Office of Management and Budget (OMB) USCIS Desk Officer. Comments may be submitted to: USCIS, Chief, Regulatory Products Division, 20 Massachusetts Avenue, Washington, DC 20529–2020. Comments may also be submitted to DHS via facsimile to 202–272–8352 or via e-mail at *rfs.regs@dhs.gov,* and to the OMB USCIS Desk Officer via facsimile at 202–395–5806 or via email at *oira_submission@omb.eop.gov.* When submitting comments by e-mail please make sure to add OMB Control Number 1615–0027 in the subject box. Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved information collection.

(2) *Title of the Form/Collection:* Interagency Record of Individual Requesting Change/Adjustment To or From A or G Status or Requesting A, G, or NATO Dependent Employment Authorization.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* Form I–566; U.S. Citizenship and Immigration Services (USCIS).

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary: Individuals or Households.* This information collection facilitates processing of applications for benefits filed by dependents of diplomats, international organizations, and NATO personnel by U.S. Citizenship and Immigration Services, and the Department of State.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 5,800 responses at 15 minutes (.25) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 1,450 annual burden hours.

If you need a copy of the information collection instrument, please visit the Web site at: *http://www.regulations.gov.*

We may also be contacted at: USCIS, Regulatory Products Division, 20 Massachusetts Avenue, NW., Washington, DC 20529–2020; Telephone 202–272–8377.

Dated: November 9, 2010.

Stephen Tarragon,

Deputy Chief, Regulatory Products Division, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2010–28860 Filed 11–15–10; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

Agency Information Collection Activities: Form I–290B, Extension of an Existing Information Collection; Comment Request

ACTION: 60-Day Notice of Information Collection under Review: Form I–290B, Notice of Appeal to the Office of Administrative Appeals; OMB Control No.1615–0095.

The Department of Homeland Security, U.S. Citizenship and Immigration Services will be submitting the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until January 18, 2011.

During this 60-day period, USCIS will be evaluating whether to revise the Form I–290B. Should USCIS decide to revise the Form I–290B it will advise the public when we publish the 30-day

notice in the **Federal Register** in accordance with the Paperwork Reduction Act. The public will then have 30-days to comment on any revisions to the Form I–290B.

Written comments and suggestions regarding items contained in this notice, and especially with regard to the estimated public burden and associated response time should be directed to the Department of Homeland Security (DHS), USCIS, Chief, Regulatory Products Division, Clearance Officer, 20 Massachusetts Avenue, NW., Room 5012, Washington, DC 20529–2020. Comments may also be submitted to DHS via facsimile to 202–272–8352, or via e-mail at *rfs.regs@dhs.gov.* When submitting comments by e-mail, please add the OMB Control Number 1615–0095 in the subject box. Written comments and suggestions from the public and affected agencies concerning the collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of an existing information collection.

(2) *Title of the Form/Collection:* Notice of Appeal to the Office of Administrative Appeals.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* Form I–290B, U.S. Citizenship and Immigration Services.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or Households. Form I–290B is necessary in order for USCIS to make a determination that the appeal or motion to reopen or reconsider meets the eligibility requirements, and for the Administrative Appeals Office to adjudicate the merits of the appeal or motion to reopen or reconsider.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 28,734 responses at 90 minutes (1.5 hours) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 43,101 annual burden hours.

If you have additional comments, suggestions, or need a copy of the information collection instrument, please visit: *http://www.regulations.gov/.*

We may also be contacted at: USCIS, Regulatory Products Division, 20 Massachusetts Avenue, NW., Room 5012, Washington, DC 20529–2020, telephone number 202–272–8377.

Dated: November 9, 2010.

Stephen Tarragon,

Deputy Chief, Regulatory Products Division, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2010–28722 Filed 11–15–10; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

Agency Information Collection Activities: File Number OMB 25, Extension of a Currently Approved Information Collection; Comment Request

ACTION: 30-Day Notice of Information Collection Under Review: OMB 25, Special Immigrant Visas for Fourth Preference Employment-Based Broadcasters; OMB Control No. 1615–0064.

The Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection was previously published in the **Federal Register** on August 26, 2010, at 75 FR 52540, allowing for a 60-day public comment period. USCIS did not receive any comments for this information collection.

The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until December 16, 2010. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Department of Homeland Security (DHS), and to the Office of Management and Budget (OMB) USCIS Desk Officer. Comments may be submitted to: USCIS, Chief, Regulatory Products Division, 20 Massachusetts Avenue, Washington, DC 20529–2020. Comments may also be submitted to DHS via facsimile to 202–272–8352 or via e-mail at *rfs.regs@dhs.ov,* and to the OMB USCIS Desk Officer via facsimile at 202–395–5806 or via e-mail at *oira_submission@omb.eop.gov.* When submitting comments by e-mail please make sure to add OMB Control Number 1615–0064 in the subject box. Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of a currently approved information collection.

(2) *Title of the Form/Collection:* Special Immigrant Visas for Fourth Preference Employment-Based Broadcasters.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* No Agency Form Number; File No. OMB–25. U.S. Citizenship and Immigration Services (USCIS).

(4) *Affected public who will be asked or required to respond, as well as a brief*

abstract: Primary: Individuals or Households. The information collected via the submitted supplemental documentation (as contained in 8 CFR 204.13(d)) will be used by the USCIS to determine eligibility for the requested classification as fourth preference Employment-based immigrant broadcasters.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 100 responses at 2 hours per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 200 annual burden hours.

If you need a copy of the information collection instrument, please visit the Web site at: *http://www.regulations.gov.*

We may also be contacted at: USCIS, Regulatory Products Division, 20 Massachusetts Avenue, NW., Washington, DC 20529–2020; Telephone 202–272–8377.

Dated: November 9, 2010.

Stephen Tarragon,

Deputy Chief, Regulatory Products Division, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2010–28720 Filed 11–15–10; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–1928–DR; Docket ID FEMA–2010–0002]

Iowa; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Iowa (FEMA–1928–DR), dated July 27, 2010, and related determinations.

DATES: *Effective Date:* November 3, 2010.

FOR FURTHER INFORMATION CONTACT: Peggy Miller, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–3886.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, John E. Long, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Thomas A. Hall as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2010–28839 Filed 11–15–10; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–1930–DR; Docket ID FEMA–2010–0002]

Iowa; Amendment No. 12 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for State of Iowa (FEMA–1930–DR), dated July 29, 2010, and related determinations.

DATES: *Effective Date:* November 3, 2010.

FOR FURTHER INFORMATION CONTACT: Peggy Miller, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–3886.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, John E. Long, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Thomas A. Hall as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2010–28838 Filed 11–15–10; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–1942–DR; Docket ID FEMA–2010–0002]

North Carolina; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of North Carolina (FEMA–1942–DR), dated October 14, 2010, and related determinations.

DATES: *Effective Date:* November 1, 2010.

FOR FURTHER INFORMATION CONTACT: Peggy Miller, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–3886.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of North Carolina is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of October 14, 2010.

Camden, Martin, New Hanover and Washington Counties for Individual Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used

for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2010–28837 Filed 11–15–10; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–1946–DR; Docket ID FEMA–2010–0002]

Puerto Rico; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Commonwealth of Puerto Rico (FEMA–1946–DR), dated October 26, 2010, and related determinations.

DATES: *Effective Date:* November 5, 2010.

FOR FURTHER INFORMATION CONTACT: Peggy Miller, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–3886.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the Commonwealth of Puerto Rico is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of October 26, 2010.

Adjuntas, Morovis, Orocovis, and Villalba Municipalities for Public Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2010–28836 Filed 11–15–10; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5376–N–108]

Notice of Submission of Proposed Information Collection to OMB; Emergency Comment Request; Application for HUD/FHA Insured Mortgage "HOPE for Homeowners"; Notice of Proposed Information Collection for Public Comment

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice of proposed information collection.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for emergency review and approval, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

The HOPE for Homeowners Act of 2008, located in Title IV of Division A of the Housing and Economic Recovery Act of 2008 (HERA) (Pub. L. 110–289, 122 Stat. 2654, approved July 30, 2008), amended Title II of the National Housing Act to add a new section 257. New section 257 (12 U.S.C. 1701z–22) established within the Federal Housing Administration (FHA), HOPE for Homeowners, a temporary FHA program that offers homeowners and existing mortgage loan holders (or servicers acting on their behalf) insurance on the refinancing of loans for distressed mortgagors. Regulations published in 24 CFR 4001.01 through 24 CFR 4001.408 detail the requirements pertinent to HUD's single family mortgage insurance programs, *i.e.,* the eligibility requirements and underwriting procedures, which are determined by the documents included in this clearance package.

"Under the Program, new mortgages are offered by FHA-approved mortgagees to mortgagors who are at risk of losing their homes to foreclosure. The new FHA-insured mortgages refinance the borrower's existing mortgage at a significant write-down. Eligible borrowers must be unable to afford their existing mortgage payments, must occupy the residence that is the security for the refinanced mortgage as their primary residence, and may not have any present ownership interest in another residence. Investors and investor properties are not eligible for the FHA-insured refinanced mortgages. Under the Program, participating mortgagors share their new equity and future appreciation with FHA. Additionally, participation in this Program is voluntary. No mortgagees, servicers, or investors are compelled to participate.

DATES: *Comments Due Date: November 30, 2010.*

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments must be received within seven (14) days from the date of this Notice. Comments should refer to the proposal by name/or OMB approval number) and should be sent to: Ross A. Rutledge, HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; e-mail: *Ross_A._Rutledge@omb.eop.gov*; fax: 202–395–6974.

FOR FURTHER INFORMATION CONTACT: Karin Hill, Director, Office of Single Family Program Development, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410, telephone (202) 708–2121 (this is not a toll free number) for copies of the proposed forms and other available information.

SUPPLEMENTARY INFORMATION: This Notice informs the public that the U.S. Department of Housing and Urban Development (HUD) has submitted to OMB, for emergency processing, an information collection package with respect to this information is collected on new mortgages offered by FHA approved mortgagees to mortgagors who are at risk of losing their homes to foreclosure through the HOPE for Homeowners Program, and to those who owe more than the value of their homes through the FHA Refinance of Borrowers in Negative Equity Positions. The new FHA insured mortgages refinance the borrowers existing mortgage at a significant writedown. Under the HOPE for Homeowners program the mortgagors share the new equity with FHA.

This Notice is soliciting comments from members of the public and

affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

This Notice Also Lists the Following Information

Title of Proposal: Application for HUD/FHA Insured Mortgage "HOPE for Homeowners"

Description of Information Collection: This information is collected on new mortgages offered by FHA approved mortgagees to mortgagors who are at risk of losing their homes to foreclosure through the HOPE for Homeowners Program, and to those who owe more than the value of their homes through the FHA Refinance of Borrowers in Negative Equity Positions. The new FHA insured mortgages refinance the borrowers existing mortgage at a significant writedown. Under the HOPE for Homeowners program the mortgagors share the new equity with FHA.

OMB Control Number: 2502–0579.

Agency Form Numbers: HUD92900–H4H, HUD92915–H4H, HUD92916–H4H and HUD92917–H4H, and HUD–92918.

Members of Affected Public: Private sector, Small businesses and other for profits.

Reporting Burden: The number of burden hours is 146,096. The number of respondents is 11,000, the number of responses is 882,242, the frequency of response is once per loan, and the burden hour per response is 4.05.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: November 9, 2010.

Colette Pollard,

Departmental Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2010–28716 Filed 11–15–10; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR FR–5415–C–25A]

Notice of Availability: Notice of Funding Availability (NOFA) for HUD's Fiscal Year (FY) NOFA for the Choice Neighborhoods Initiative—Round 1 NOFA Grant Program; Second Technical Correction and Extension of Deadline Date

AGENCY: Office of the Chief of the Human Capital Officer, HUD.

ACTION: Notice.

SUMMARY: On October 22, 2010, HUD posted a technical correction and extended the application deadline date for the Notice of Funding Availability (NOFA) for HUD's FY2010 Choice Neighborhoods Initiative—Round 1. In the October 22, 2010, HUD extended the deadline for applications in order to makes changes to the Mapping Tool used to determine neighborhood eligibility and stated that a subsequent notice would be posted once the Mapping Tool had been revamped and a new deadline date would be established. Today's notice announces that HUD has posted a notice on Grants.gov that describes changes to the NOFA and sets December 9, 2010, as the new deadline date.

The technical correction which establishes the new deadline date can be found using the Department of Housing and Urban Development agency link on the Grants.gov/Find Web site at *http://www.grants.gov/search/agency.do.* A link to Grants.gov is also available on the HUD Web site at *http://www.hud.gov/offices/adm/grants/fundsavail.cfm.* The Catalogue of Federal Domestic Assistance (CFDA) number for the Choice Neighborhood Initiative Program is 14.889. Applications must be submitted electronically through Grants.gov.

FOR FURTHER INFORMATION CONTACT: Questions regarding specific program requirements should be directed to the agency contact identified in the program NOFA. Questions regarding the 2010 General Section should be directed to the Office of Departmental Grants Management and Oversight at 202–708–0667 (this is not a toll-free number) or the NOFA Information Center at 1–800–HUD–8929 (toll-free). Persons with hearing or speech impairments may access these numbers via TTY by calling the Federal Information Relay Service at 1–800–877–8339.

Dated: November 9, 2010.

Barbara S. Dorf,

Director, Office of Departmental Grants Management and Oversight, Office of the Chief of the Human Capital Officer.

[FR Doc. 2010–28857 Filed 11–15–10; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Central Valley Project Improvement Act, Water Management Plans

AGENCY: Bureau of Reclamation, Interior

ACTION: Notice of Availability.

SUMMARY: The following Water Management Plans are available for review:

- Orland-Artois Water District
- Kern Tulare Water District

To meet the requirements of the Central Valley Project Improvement Act of 1992 (CVPIA) and the Reclamation Reform Act of 1982, the Bureau of Reclamation developed and published the Criteria for Evaluating Water Management Plans (Criteria). For the purpose of this announcement, Water Management Plans (Plans) are considered the same as Water Conservation Plans. The above entities have developed a Plan, which Reclamation has evaluated and preliminarily determined to meet the requirements of these Criteria. Reclamation is publishing this notice in order to allow the public to review the plans and comment on the preliminary determinations. Public comment on Reclamation's preliminary (i.e., draft) determination is invited at this time.

DATES: All public comments must be received December 16, 2010.

ADDRESSES: Please mail comments to Ms. Christy Ritenour, Bureau of Reclamation, 2800 Cottage Way, MP–410, Sacramento, California 95825, or contact at 916–978–5281 (TDD 978–5608), or e-mail at *critenour@usbr.gov.*

FOR FURTHER INFORMATION CONTACT: To be placed on a mailing list for any subsequent information, please contact Ms. Christy Ritenour at the e-mail address or telephone number above.

SUPPLEMENTARY INFORMATION: We are inviting the public to comment on our preliminary (*i.e.,* draft) determination of Plan adequacy. Section 3405(e) of the CVPIA (Title 34 Pub. L. 102–575), requires the Secretary of the Interior to establish and administer an office on Central Valley Project water conservation best management practices that shall "* * * develop criteria for

evaluating the adequacy of all water conservation plans developed by project contractors, including those plans required by section 210 of the Reclamation Reform Act of 1982." Also, according to Section 3405(e)(1), these criteria must be developed "* * * with the purpose of promoting the highest level of water use efficiency reasonably achievable by project contractors using best available cost-effective technology and best management practices." These criteria state that all parties (Contractors) that contract with Reclamation for water supplies (municipal and industrial contracts over 2,000 acre-feet and agricultural contracts over 2,000 irrigable acres) must prepare Plans that contain the following information:

1. Description of the District
2. Inventory of Water Resources
3. Best Management Practices (BMPs) for Agricultural Contractors
4. BMPs for Urban Contractors
5. Plan Implementation
6. Exemption Process
7. Regional Criteria
8. Five-Year Revisions

Reclamation will evaluate Plans based on these criteria. A copy of these Plans will be available for review at Reclamation's Mid-Pacific (MP) Regional Office located in Sacramento, California, and the local area office. Our practice is to make comments, including names and home addresses of respondents, available for public review.

Public Disclosure

Before including your name, address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

If you wish to review a copy of these Plans, please contact Ms. Christy Ritenour to find the office nearest you.

Dated: September 22, 2010.

Richard J. Woodley,

Regional Resources Manager, Mid-Pacific Region, Bureau of Reclamation.

[FR Doc. 2010–28784 Filed 11–15–10; 8:45 am]

BILLING CODE 4310–MN–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management, Regulation and Enforcement

Environmental Documents Prepared in Support of Oil and Gas Activities on the Alaska Outer Continental Shelf

AGENCY: Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE), Interior.

ACTION: Notice of Availability of Recent Environmental Assessments and Findings of No Significant Impact Prepared by the BOEMRE.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act (NEPA), the Council on Environmental Quality regulations (40 CFR parts 1500–1508), and the Department of the Interior regulations on NEPA (43 CFR part 46), BOEMRE announces the availability of Environmental Assessments (EA) and Findings of No Significant Impact (FONSI) prepared for two oil and gas activities proposed on the Alaska Outer Continental Shelf (OCS) and described in more detail below.

FOR FURTHER INFORMATION CONTACT: Jeffery Loman, Deputy Regional Director, BOEMRE, Alaska OCS Region, 3801 Centerpoint Drive, Suite 500, Anchorage, Alaska 99503–5823; telephone 1–800–764–2627; e-mail *AKwebmaster@boemre.gov. EA Availability:* To obtain a copy of an EA and/or FONSI, you may contact BOEMRE or visit the BOEMRE Web site at *http://alaska.boemre.gov/.*

SUPPLEMENTARY INFORMATION: BOEMRE prepares EAs that examine the potential environmental effects of proposals for activities to evaluate oil and gas resource potential on the Alaska OCS. Each EA examines the potential environmental effects of activities described in the proposals and presents BOEMRE conclusions regarding the level and significance of those effects. The EAs are used as the basis for determining whether or not approvals of the proposals would significantly affect the quality of the human environment in the sense of NEPA Section 102(2)(C). A FONSI is prepared in those instances where BOEMRE finds that approval of the proposals will not result in significant effects on the quality of the human environment.

This notice constitutes the notice of availability to the public of the following environmental documents:

Project name	Location	Project purpose	FONSI
Shell Exploration & Production, Ancillary Activities, Marine Surveys OCS EIS/EA MMS 2010–022.	Beaufort Sea, Alaska	Conduct Ancillary activities	7/12/2010
Statoil USA E&P Inc. 2010 Seismic Survey OCS EIS/EA BOEMRE 2010–020.	Chukchi Sea, Alaska	Conduct 2D/3D Sesimic Surveys	7/23/2010

BOEMRE has concluded that the respective proposed actions will not significantly affect the quality of the human environment and that the preparation of EISs is not required. Mitigation measures identified during the NEPA process will be applied for each proposal to ensure environmental protection and safety.

Dated: October 20, 2010.

John Goll,

Regional Director, Alaska OCS Region.

[FR Doc. 2010–28783 Filed 11–15–10; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R6–R–2010–N257; 60138–1265–6CCP–S3]

South Dakota Prairie Winds Project; Partial Term Relinquishment and Release of Easement for Wind Energy Development; Record of Decision for the Final Environmental Impact Statement

AGENCY: Fish and Wildlife Service, Interior.

ACTION: *Notice of availability:* Record of decision.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the availability of a record of decision (ROD) for the final environmental impact statement (FEIS) on the South Dakota Prairie Winds Project issued by the Department of Energy's Western Area Power Administration (Western), and the Department of Agriculture's Rural Utilities Service (RUS). Under the National Environmental Policy Act of 1969 (NEPA), as amended, and its implementing regulations, the Service participated as a cooperating agency in

the preparation and release of the FEIS. The purpose of this ROD is to document the Service's decision to release and relinquish certain easement rights for the construction, operation, and maintenance of the proposed wind energy generation facilities on lands in Aurora County and Brule County, South Dakota, on which the Service holds an easement for waterfowl habitat protection. The action selected by the Service corresponds with the proposed alternative of the FEIS.

DATES: The Regional Director of the Mountain-Prairie Region, U.S. Fish and Wildlife Service, signed the ROD on November 5, 2010. We will implement the ROD immediately upon publication of this notice.

ADDRESSES: You may view or obtain copies of the ROD/FEIS by any of the following methods:

Web Site: Download a copy of the document(s) at *http://www.fws.gov/mountain-prairie/SDPrairieWinds.*

E-mail: Michael_J_Bryant@fws.gov. Include "South Dakota Prairie Winds Project" in the subject line of the message.

U.S. Mail: Michael Bryant, Project Leader, Lake Andes NWR Complex, 38672 291st St., Lake Andes, SD 57356.

In-Person Viewing or Pickup: Call Project Leader Michael Bryant, Lake Andes NWR Complex, at 605 487–7603 to make an appointment during regular business hours at Lake Andes NWR Complex, 38672 291st St., Lake Andes, SD 57356.

FOR FURTHER INFORMATION CONTACT: Project Leader Michael Bryant, Lake Andes NWR Complex, 38672 291st St., Lake Andes, SD 57356; 605 487–7603 (phone).

SUPPLEMENTARY INFORMATION: With this notice, we finalize the Service's portion of the NEPA (42 U.S.C. *et seq.*) process for the South Dakota Prairie Winds (SDPW) Project. Western and RUS issued the FEIS on the SDPW Project in response to a request from Prairie Winds, SD1, Incorporated (PW SD1), a wholly owned subsidiary of Basin Electric (Basin), to interconnect with the transmission system owned and operated by Western. Basin has requested financing for the project from the RUS. PW SD1 has also submitted an application to the Service to locate a portion of the project (6 out of 108 turbines) on lands on which the Service holds an easement for waterfowl habitat protection (grassland easement). The application required an action on the part of the Service. The Service participated as a cooperating agency in the preparation of the EIS by providing Western and RUS with resource impact information, maps, and site locations of waterfowl habitat easement properties within the project area. The Departments of Energy and Agriculture published the notice of intent to prepare an EIS for the SDPW Project and to conduct scoping meetings on April 7, 2009 (74 FR 15718), in the **Federal Register**. The draft EIS was released to the public and public comments were solicited in an Environmental Protection Agency notice of availability in the **Federal Register** notice on January 15, 2010 (75 FR 2540). The notice of availability of the Final EIS was published in a **Federal Register** Notice on July 30, 2010 (75 FR 44951).

Background

The purpose of the SDPW Project is to develop a technically feasible and economically viable wind-powered electrical generation resource using identified wind resources in Jerauld, Aurora, and Brule Counties in South Dakota. The project is designed to meet a portion of the projected increase in regional demands for electricity produced from renewable resources. Several States within Basin Electric's service territory, including Colorado, Minnesota, Montana, North Dakota, and South Dakota, have adopted Renewable Energy Objectives (REOs) that require renewable generation to meet a certain percentage of retail sales. The REOs adopted in the various States include both mandatory and voluntary goals that range from 10 to 25 percent of energy production to be generated or procured from an eligible energy technology by a specified deadline. Deadlines for compliance range from 2015 to 2025.

Public Involvement

Western and RUS employed various methods to provide information to the public and solicit input. The Agencies invited Federal, State, local, and tribal governments; Basin Electric; and other interested groups and persons to participate in defining the scope of the EIS. Venues for participation included two scoping meetings on April 28 and April 29, 2009, and one interagency meeting.

In addition to receiving comments at meetings, the agencies invited interested individuals to submit written comments via mail, fax, e-mail and/or the project website. The agencies continue to invite public input on the implementation of the ROD, which is available immediately.

Findings and Basis for Decision

Upon careful consideration of concerns and issues, Service guidelines and other appropriate laws and regulations, and with consideration for the need for and alternatives to this project, the Service has decided to accept the Crow Lake Alternative (Preferred Alternative) and release and relinquish certain easement rights for the construction, operation, and maintenance of proposed wind energy generation facilities on impacted lands in Aurora County and Brule County, South Dakota, on which the Service holds an Easement for Waterfowl Habitat Protection. Specifically, the Service will release and relinquish certain easement rights on 25.65 acres of land protected by grassland easement in exchange for easements of equal or greater habitat and monetary value on currently unprotected lands elsewhere.

The alternatives for the Prairie Winds Project are described in detail in the EIS. Alternatives that were developed were: No Action Alternative (*i.e.,* wind turbines would have to be sited on lands not encumbered with Service easements, or the project would not be built); the Winner Alternative, which would involve the installation of wind turbines on 261 acres within an area of approximately 83,000 acres containing no Service easements; and the Crow Lake Alternative (Preferred Alternative), which would involve the installation of wind turbines on 131 acres within an area of approximately 36,000 acres. The primary basis for selection of the Crow Lake Alternative over the Winner Alternative was the greater overall habitat impacts, including impacts to the endangered American burying beetle, associated with the Winner Alternative.

The ROD documents the measures adopted to minimize the environmental impacts of the SDPW Project, including the acquisition of replacement acres; the preparation of a decommission plan; the requirement of a letter of credit to guarantee financing of the decommission plan; and the implementation of measures to protect wetlands and grassland-dependent wildlife, vegetation, cultural resources, and threatened and endangered species.

The development of the South Dakota Prairie Winds Project EIS and this decision are guided by, and authorized under, several laws, regulations, and Service policies, described as follows: The National Environmental Policy Act of 1969, as amended, requires environmental analysis of actions proposed by Federal agencies. The Council on Environmental Quality's regulations implementing NEPA at 40 CFR 1501.6 provide for the participation of another Federal action agency as a cooperating agency in the development of an Environmental Assessment or

Environmental Impact Statement. In this instance, the Service has elected to be a Cooperating Agency to the Western and the RUS. The Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*), as amended, provides for the conservation and recovery of listed species of plants and animals native to the United States and its territories. Section 7 of the Endangered Species Act requires Federal agencies to insure that any action authorized, funded, or carried out by them is not likely to jeopardize the continued existence of listed species or modify their critical habitat. The Migratory Bird Treaty Act (MBTA) prohibits the taking of any migratory birds without authorization from the Secretary of the Interior. The regulations of the National Wildlife Refuge System Administration Act of 1997, 16 U.S.C. 668dd–ee, require uses of the National Wildlife Refuge System (System) to be compatible.

Dated: November 5, 2010.

Stephen Guertin,

Regional Director, Region 6..

[FR Doc. 2010–28934 Filed 11–15–10; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management, Regulation and Enforcement

Outer Continental Shelf (OCS), Western and Central Planning Areas, Gulf of Mexico (GOM) Oil and Gas Lease Sales for the 2007–2012 5-Year OCS Program

AGENCY: Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE), Interior.

ACTION: Correction—Notice of Intent to Prepare a Supplemental Environmental Impact Statement. This Notice corrects clerical errors in a Notice that published in the **Federal Register** on November 10, 2010 (75 FR 69122).

1. Authority

This Notice of Intent (NOI) is published pursuant to the regulations (40 CFR 1501.7) implementing the provisions of the National Environmental Policy Act (NEPA) of 1969 as amended (42 U.S.C. 4321 *et seq.* (1988)).

2. Purpose of the Notice of Intent

BOEMRE is announcing its intent to prepare a supplemental environmental impact statement (SEIS) for the remaining Western Planning Area (WPA) and Central Planning Area (CPA) lease sales in the 2007–2012 5-Year OCS Program. The proposed sales are in the Gulf of Mexico's WPA off the States of Texas and Louisiana and in the CPA off the States of Texas, Louisiana, Mississippi, and Alabama. The SEIS will update the environmental and socioeconomic analyses in the Gulf of Mexico OCS Oil and Gas Lease Sales: 2007–2012; WPA Sales 204, 207, 210, 215, and 218; CPA Sales 205, 206, 208, 213, 216, and 222, Final Environmental Impact Statement (OCS EIS/EA MMS 2007–018) (Multisale EIS), the NOI for which was published in the **Federal Register** on March 7, 2006 (Vol. 71, No. 44, Page 11444). The SEIS will also update the environmental and socioeconomic analyses in the GOM OCS Oil and Gas Lease Sales: 2009–2012; CPA Sales 208, 213, 216, and 222; WPA Sales 210, 215, and 218; Final SEIS (OCS EIS/EA MMS 2008–041), the NOI for which was published in the **Federal Register** on September 10, 2007 (Vol. 72, No. 174, Page 51654). The SEIS for 2009–2012 was prepared after the Gulf of Mexico Energy and Security Act (Pub. L. 109–432, December 20, 2006) required BOEMRE to offer approximately 5.8 million acres in the CPA ("181 South Area") for oil and gas leasing, "as soon as practicable after the date of enactment of this Act."

A SEIS is deemed appropriate to supplement the NEPA documents cited above for these lease sales to consider new circumstances and information arising, among other things, from the *Deepwater Horizon* blowout and spill. The SEIS analysis will focus on updating the baseline conditions and potential environmental effects of oil and natural gas leasing, exploration, development, and production in the WPA and CPA. The SEIS will also inform future decisions regarding the approval of operations, as well as leasing.

Scoping Process:

Federal, State, and local government agencies, and other interested parties may assist BOEMRE in determining the significant issues and alternatives to be analyzed in the SEIS. Early planning and consultation is important for ensuring that all interests and concerns are communicated to the Department of the Interior for future decisions in the leasing process pursuant to the Outer Continental Shelf Lands Act and regulations at 30 CFR 256. At a minimum, alternatives that will be considered for the sales are no action (*i.e.,* cancel the sale) or to exclude certain areas from the sales. Input is requested on additional measures (*e.g.,* technology or water depth limitations) that would maximize avoidance and minimizes impacts to environmental and socioeconomic resources. Formal consultation with other Federal agencies, the affected States, and the public will be carried out during the NEPA process and will be completed before a final decision is made on the lease sales.

For more information on the proposed sales or the SEIS, you may contact Mr. Gary Goeke, Gulf of Mexico OCS Region, 1201 Elmwood Park Boulevard, Mail Stop 5410, New Orleans, Louisiana 70123–2394 or by calling (504) 736–3233.

3. Description of the Area

The CPA sale area covers approximately 66.45 million acres in 12,409 blocks in the Central portion of GOM (excluding blocks that were previously included within the Eastern Planning Area (EPA) and that are within 100 miles of the Florida coast; or beyond the U.S. Exclusive Economic Zone in the area known as the northern portion of the Eastern Gap). The general area proposed for sale in the WPA covers approximately 28.57 million acres in 5,240 blocks in the western portion of the GOM (excluding whole and partial blocks within the boundary of the Flower Garden Banks National Marine Sanctuary). A map is available on the BOEMRE Web site at *http://www.gomr.mms.gov/homepg/lsesale/mau_gom_pa.pdf.*

4. Cooperating Agency

The BOEMRE invites other Federal agencies and State, tribal, and local governments to consider becoming cooperating agencies in the preparation of the SEIS. Following the guidelines from the Council of Environmental Quality (CEQ), qualified agencies and governments are those with "jurisdiction by law or special expertise." Potential cooperating agencies should consider their authority and capacity to assume the responsibilities of a cooperating agency and to remember that an agency's role in the environmental analysis neither enlarges nor diminishes the final decisionmaking authority of any other agency involved in the NEPA process.

Upon request, BOEMRE will provide potential cooperating agencies with an information package with a draft Memorandum of Agreement that includes a schedule with critical action dates and milestones, mutual responsibilities, designated points of contact, and expectations for handling predecisional information. Agencies should also consider the "Factors for Determining Cooperating Agency Status" in Attachment 1 to CEQ's January 30, 2002, Memorandum for the

Heads of Federal Agencies: Cooperating Agencies in Implementing the Procedural Requirements of the NEPA. A copy of this document is available at *http://ceq.hss.doe.gov/nepa/regs/cooperating/cooperatingagenciesmemorandum.html* and *http://ceq.hss.doe.gov/nepa/regs/cooperating/cooperatingagencymemofactors.html.*

The BOEMRE, as the lead agency, will not provide financial assistance to cooperating agencies. Even if an organization is not a cooperating agency, opportunities will exist to provide information and comments to BOEMRE during the normal public input phases of the NEPA/EIS process. If further information about cooperating agency status is needed, please contact Mr. Gary Goeke at (504) 736–3233.

5. Comments

Public meetings will be held in locations near these areas in to mid November 2010. The meetings are being planned for, but not necessarily limited to:

- Tuesday, November 16, 2010, New Orleans, Louisiana, Hilton New Orleans Airport, 901 Airline Drive Kenner, Louisiana 70062, 1 p.m. CST.
- Wednesday, November 17, 2010, Houston, Texas, Houston Airport Marriott at George Bush Intercontinental, 18700 John F. Kennedy Boulevard, Houston, Texas 77032, 1 p.m. CST.
- Thursday, November 18, 2010, Mobile, Alabama, The Battle House Renaissance Mobile Hotel and Spa, 26 North Royal Street, Mobile, Alabama 36602 1 p.m. CST.

These scoping meetings may also accept comments on the EIS being prepared for the Proposed 2012–2017 5-Year OCS Oil and Gas Leasing Program and the EIS addressing proposed lease sales in the Central and Western GOM in the 2012–2017 OCS Program. The BOEMRE will use and coordinate the NEPA commenting process to satisfy the public involvement process for Section 106 of the National Historic Preservation Act (16 U.S.C. 470f) as provided for in 36 CFR 800.2(d)(3).

Federal, State, local government agencies, and other interested parties are requested to send their written comments on the scope of the SEIS, significant issues that should be addressed, and alternatives that should be considered in one of the following ways:

1. Electronically to the BOEMRE e-mail address: *GOMRSEIS@BOEMRE.GOV*.

2. In written form, delivered by hand or by mail, enclosed in an envelope labeled "SEIS Comments" to the Regional Supervisor, Leasing and Environment (MS 5410), Bureau of Ocean Energy Management, Regulation and Enforcement, Gulf of Mexico OCS Region, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394.

Comments should be submitted no later than January 3, 2011.

Dated: November 10, 2010.

L. Renee Orr,

Acting Associate Director for Offshore Energy and Minerals Management.

[FR Doc. 2010–28868 Filed 11–10–10; 4:15 pm]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLUT920–09–L13300000–EN000, UTU–XXXX]

Notice of Expansion of the Lisbon Valley Known Potash Leasing Area, Utah

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Potash is a trade name for potassium bearing minerals used mainly for fertilizer. Potash and certain other non-energy solid minerals found on Federal lands may be leased for development in either of two ways: (1) If it is unknown whether an area contains valuable potash deposits, an interested party may obtain a prospecting permit, which grants it the exclusive right to explore for potash, and, if a valuable deposit is found, that party may qualify for a noncompetitive lease; or (2) If the BLM has access to information which shows that valuable deposits of potash exist in an area, the area may be classified and designated a Known Potash Leasing Area (KPLA), where prospecting permits may not be issued, and any leasing must be done on a competitive basis.

In 1960, the United States Geological Survey (USGS) established the Lisbon Valley KPLA, based on mineral land classification standards established in 1957. In 1983, under Secretarial Order 3087, the authority to designate KPLAs was transferred to the BLM. Recent advances in drilling technology have provided the capability to extract deep potash deposits using dissolution. Based on this new technology, the BLM approved new mineral land classification standards for the Utah portion of the Paradox Basin geologic province, which includes Lisbon Valley in 2009. The BLM Utah State Office used the new standards and the analysis of available drilling information to determine that the Lisbon Valley KPLA should be expanded to include deep solution-mineable potash deposits. Additional information regarding this KPLA expansion, including maps and the Potash Master Title Plats, are available in the Public Room of the BLM Utah State Office and at the following Web site: *http://www.blm.gov/ut/st/en/prog/more/Land_Records.html.* The lands included in the Lisbon Valley KPLA expansion, located in San Juan County, Utah, are described as follows:

Salt Lake Base Meridian, Utah

T. 29 S., R. 24 E.,
Sec. 29, SW¼SW¼;
Sec. 30, E½SE¼;
Sec. 31, E½E½, SE¼SW¼, W½SE¼;
Sec. 32, W½W½, E½SW¼, S½SE¼; and
Sec. 33, E½, SE¼NW¼, E½SW¼, SW¼SW¼.
Containing 1,200.00 acres.

T. 29½ S., R. 24 E.,
Sec. 27, lots 2–4;
Sec. 28, lots 1–4;
Sec. 29, lots 1–4;
Sec. 32, N½, E½SW¼, SE¼;
Sec. 33, all; and
Sec. 34, W½NE¼, W½, SE¼.
Containing 1,980.68 acres.

T. 30 S., R. 24 E.,
Sec. 2, W½SW¼;
Sec. 3, all;
Sec. 4, all;
Sec. 5, lots 1, 2, S½NE¼, SE¼;
Sec. 8, E½, SE¼SW¼;
Sec. 9, all;
Sec. 10, all;
Sec. 11, SW¼NE¼, W½, W½SE¼;
Sec. 13, W½SW¼;
Sec. 14, all;
Sec. 15, all;
Sec. 16, N½, N½S½, S½SE¼;
Sec. 17, NE¼, E½NW¼, N½S½;
Sec. 21, E½E½;
Sec. 22, all;
Sec. 23, all;
Sec. 24, W½;
Sec. 25, W½NE¼, SE¼NE¼, W½, SE¼;
Sec. 26, all;
Sec. 27, N½, N½S½, SE¼SW¼, S½SE¼;
Sec. 28, N½, N½S½;
Sec. 35, N½N½, S½NE¼; and
Sec. 36, N½, N½S½, SE¼SW¼, S½SE¼.
Containing 10,997.82 acres.

T. 31 S., R. 24 E.,
Sec. 1, lots 1–3, S½NE¼, NE¼SE¼.
Containing 253.75 acres.

T. 30 S., R. 25 E.,
Sec. 30, lots 2–4, SE¼SW¼, SW¼SE¼;
Sec. 31, all;
Sec. 32, W½NE¼, SE¼NE¼, NW¼, S½;
Sec. 33, SW¼NE¼, S½NW¼, S½;
Sec. 34, S½NE¼, SE¼NW¼, S½; and
Sec. 35, SW¼, SW¼SE¼ .
Containing 2,517.75 acres.

T. 31 S., R 25 E.,
Sec. 2, lots 3, 4, SW¼NW¼;
Sec. 3, lots 1–4, S½N½, N½SW¼, SW¼SW¼, NE¼;SE¼;

Sec. 4, all;
Sec. 5, all; and
Sec. 6, lots 1–6, S½NE¼, SE¼NW¼, NE¼SW¼, SE¼.

Containing 2,495.23 acres.

Containing an aggregate acreage of: 19,445.23.

DATES: This mineral land classification will become effective upon date of publication of this notice in the **Federal Register**.

ADDRESSES: Inquiries should be sent to the State Director (UT–923), Bureau of Land Management, Utah State Office, 440 West 200 South, Suite 500, Salt Lake City, Utah 84101.

SUPPLEMENTARY INFORMATION: Competitive leasing within the KPLA will be initiated based on expressions of interest. Any competitive leases issued will be subject to the oil and gas leasing stipulations contained in the 2008 Moab and Monticello Resource Management Plans (Moab RMP, Appendix A and Monticello RMP, Appendix B). Competitive potash leases will also be subject to additional conditions of approval developed as part of site-specific National Environmental Policy Act of 1969 (NEPA) compliance.

In accordance with Departmental Manual (DM) 516, Chapter 11.9 J(12), the classification of a KPLA is an action that is categorically excluded from NEPA analysis, provided that there are no "extraordinary circumstances" as described in 43 CFR 46.215. The proposed Lisbon Valley KPLA expansion was reviewed and was determined to have no "extraordinary circumstances" as documented in DOI–BLM–UT–9230–2010–0003–CX. Further NEPA review will be done for site specific proposals within the KPLA.

This notice will be published in the *Moab Times Independent* for 2 consecutive weeks after publication in the **Federal Register**.

Pursuant to the authority in the Act of March 3, 1879, (43 U.S.C. 31), as supplemented by Reorganization Plan No. 3 of 1950 (43 U.S.C. 1451, note) and 235 Departmental Manual 1.1L, and the Mineral Leasing Act of 1920, as amended (30 U.S.C. 181 *et seq.*), the Lisbon Valley KPLA of May 18, 1960, is expanded to include the lands listed above effective on November 16, 2010.

Kent Hoffman,

Acting State Director.

[FR Doc. 2010–28724 Filed 11–15–10; 8:45 am]

BILLING CODE 4310–DQ–P

DEPARTMENT OF THE INTERIOR

National Park Service

[2253–665]

Notice of Inventory Completion: U.S. Department of the Interior, Bureau of Reclamation, Pacific Northwest Region, Boise, ID, and Colville Tribal Repository, Nespelem, WA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains in the control of the U.S. Department of the Interior, Bureau of Reclamation, Pacific Northwest Region, Boise, ID, and in the physical custody of the Colville Tribal Repository, Nespelem, WA. The human remains were removed from Grant County, WA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

A detailed assessment of the human remains was made by Bureau of Reclamation professional staff with assistance from a Central Washington University physical anthropologist and professional staff from Washington State University, the National Park Service, and the History/Archaeology Department of the Confederated Tribes of the Colville Reservation, Washington.

From the winter of 1963 to 1964, human remains representing a minimum of eight individuals were removed from a location, which was later designated as the Steamboat Rock Mass Grave (45–GR–98), near the mouth of Barker Canyon at Banks Lake, Grant County, WA. A member of the general public reported a mass grave had been exposed by receding waters at Banks Lake. Members of Washington State University's Department of Sociology and Anthropology excavated the remains in an effort to protect them from vandalism and theft. The remains were accessioned at Washington State University. The human remains were moved, most likely in 1967, to the Alfred Bowers Laboratory of Anthropology at the University of Idaho. At an unknown date, the remains were loaned to the Arizona State Museum, University of Arizona, for analysis, and this analysis occurred in 1967. There is no documentation indicating if the loan originated while the remains were at Washington State University or after they had been moved to the University of Idaho, nor is there documentation of which institution they were returned to following analysis. However, the human remains were stored at the University of Idaho until 2000, when they were moved back to Washington State University. In 2006, they were transferred to the Colville Tribal Repository for curation pending repatriation. No known individuals were identified. No associated funerary objects are present.

No physical description of the remains was prepared at the time of recovery. In 1967, the Arizona State Museum documented the partial remains of six individuals. In 2005, the Bureau of Reclamation completed a physical description of the remains. All individuals identified in 1967 were present in the collection at the time of the 2005 inventory, and isolated elements representing two additional individuals were identified.

The osteological evidence as described by archeologists and physical anthropologists indicate the human remains described above are Native American. The geographic location of the site is within the Plateau Culture Area. The site is within the judicially established aboriginal territory of the Confederated Tribes of the Colville Reservation. Tribal oral tradition and anthropological and historical research indicate the site lies within an area occupied by the Sanpoil and the Nespelem Tribes or Bands, who are legally represented by the Confederated Tribes of the Colville Reservation, Washington.

Officials of the Bureau of Reclamation, Pacific Northwest Region, have determined, pursuant to 25 U.S.C. 3001(9), that the human remains described above represent the physical remains of eight individuals of Native American ancestry. Officials of the Bureau of Reclamation, Pacific Northwest Region, have also determined, pursuant to 25 U.S.C. 3001(2), that there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Confederated Tribes of the Colville Reservation, Washington.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains should contact Ms. Lynne MacDonald, Regional Archeologist, Pacific Northwest Region, Bureau of Reclamation, 1150 N. Curtis Road,

Boise, ID 83706, telephone (208) 378–5316, before December 16, 2010. Repatriation of the human remains to the Confederated Tribes of the Colville Reservation, Washington, may proceed after that date if no additional claimants come forward.

The Bureau of Reclamation, Pacific Northwest Region, is responsible for notifying the Confederated Tribes of the Colville Reservation, Washington, that this notice has been published.

Dated: November 5, 2010.

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. 2010–28741 Filed 11–15–10; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[2253–665]

Notice of Inventory Completion: U.S. Department of Agriculture, Forest Service, Pacific Northwest Region, Gifford Pinchot National Forest, Vancouver, WA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects in the possession and control of the U.S. Department of Agriculture, Forest Service, Pacific Northwest Region, Gifford Pinchot National Forest, Vancouver, WA. The human remains and associated funerary objects were removed from Klickitat County, WA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

A detailed assessment of the human remains was made by Pacific Northwest Region, Gifford Pinchot National Forest, professional staff in consultation with representatives of the Confederated Tribes of the Umatilla Indian Reservation, Oregon; Confederated Tribes of the Warm Springs Reservation of Oregon; and Confederated Tribes and Bands of the Yakama Nation, Washington.

In June 1983, human remains representing a minimum of three individuals were removed from archeological site 45KL281, Klickitat County, WA. The remains were recovered during initial documentation and subsurface sampling of the archeological site, prior to acquisition of the property by the Federal agency. The items came into possession of the Forest Service in 1989, following the land acquisition. The location is on National Forest System lands within the Columbia River Gorge National Scenic Area. No known individuals were identified. The 571 associated funerary objects are 5 shell beads, 182 copper artifacts, 380 glass beads, 1 pipe in fragments, 1 horse molar and 2 glass bottle or jar fragments.

The human remains are highly fragmented due to the effects of cremation, and most of the associated funerary objects also show the effects of fire. Trade materials among the associated funerary objects indicate interment and firing circa A.D. 1825–1850. Funerary objects reflect the ornamentation and dress of local Native American groups during the early historic period. Cultural geography, oral traditions and historic sources indicate probable use of the site area either by *Wayámłáma* families from the village of *wanwáwi* (Oregon) or *Walawitsislama* people from the village of *wálawitis* (Washington). The descendants of the *Wayámłáma* and *Walawitsislama* are members of the Confederated Tribes of the Warm Springs Reservation of Oregon and Confederated Tribes and Bands of the Yakama Nation, Washington. Elders have suggested that the remains may be associated with a disease epidemic, as cremation was not the normal or preferred method of treatment for the deceased.

Officials of the Gifford Pinchot National Forest have determined, pursuant to 25 U.S.C. 3001(9), that the human remains described above represent the physical remains of three individuals of Native American ancestry. Officials of the Gifford Pinchot National Forest also have determined, pursuant to 25 U.S.C. 3001(3)(A), that the 571 objects described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the Gifford Pinchot National Forest have determined, pursuant to 25 U.S.C. 3001(2), that there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Confederated Tribes of the Warm Springs Reservation of Oregon and the Confederated Tribes and Bands of the Yakama Nation, Washington.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains and associated funerary objects should contact Rick McClure, Heritage Program Manager, Gifford Pinchot National Forest, 2455 Highway 141, Trout Lake, WA 98650, telephone (509) 395–3399, before December 16, 2010. Repatriation of the human remains and associated funerary objects to the Confederated Tribes of the Warm Springs Reservation of Oregon and Confederated Tribes and Bands of the Yakama Nation, Washington, may proceed after that date if no additional claimants come forward.

Gifford Pinchot National Forest is responsible for notifying the Confederated Tribes of the Umatilla Indian Reservation, Oregon; Confederated Tribes of the Warm Springs Reservation of Oregon; and Confederated Tribes and Bands of the Yakama Nation, Washington, that this notice has been published.

Dated: November 5, 2010.

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. 2010–28744 Filed 11–15–10; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[2253–665]

Notice of Inventory Completion: Wisconsin Historical Society, Museum Division, Madison, WI

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains in the possession of the Wisconsin Historical Society, Museum Division, Madison, WI. The human remains were removed from Taylor County, WI.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

A detailed assessment of the human remains was made by Wisconsin Historical Society staff in consultation with representatives of the Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Forest County Potawatomi Community, Wisconsin; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; St. Croix Chippewa Indians of Wisconsin; and the Sokaogon Chippewa Community, Wisconsin.

In 1966, human remains representing a minimum of one individual were removed from Indian Farms [47–Ta-0018], in Taylor County, WI. On July 17, 1966, archeologists from the Wisconsin Historical Society visited Indian Farms to investigate a report of recent looting. The archeologist contacted local law enforcement and recovered the fragmentary remains of a child found on the ground surface. The fragmentary remains were brought back to the Wisconsin Historical Society. No known individual was identified. No associated funerary objects are present.

In 1966, the Indian Farms site was owned in part by the United States Forest Service and also in private ownership. While the exact location of the burial cannot be conclusively determined, it is believed the grave had been looted from a cemetery located on private land. The Indian Farms site consists of two close, but spatially separated communities referred to as Big and Little Indian Farms. Although a prehistoric component is present, most of the remains are attributed to a circa 1896–1908 occupation by a group of Potawatomi and Ojibwe, which are now represented by the Forest County Potawatomi Community, Wisconsin.

Officials of the Wisconsin Historical Society, Museum Division, have determined, pursuant to 25 U.S.C. 3001(9), that the human remains described above represent the physical remains of one individual of Native American ancestry. Officials of the Wisconsin Historical Society, Museum Division, also have determined, pursuant to 25 U.S.C. 3001(2), that there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Forest County Potawatomi Community, Wisconsin.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains should contact Jennifer Kolb, Wisconsin Historical Museum, 30 North Carroll St., Madison, WI 53703, telephone (608) 261–2461, before December 16, 2010. Repatriation of the human remains to the Forest County Potawatomi Community, Wisconsin, may proceed after that date if no additional claimants come forward.

The Wisconsin Historical Society, Museum Division, is responsible for notifying the Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Forest County Potawatomi Community, Wisconsin; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; St. Croix Chippewa Indians of Wisconsin; and the Sokaogon Chippewa Community, Wisconsin, that this notice has been published.

Dated: November 5, 2010.

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. 2010–28745 Filed 11–15–10; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[2253–665]

Notice of Inventory Completion: Denver Museum of Nature & Science, Denver, CO

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains in the possession of the Denver Museum of Nature & Science, Denver, CO. The human remains were removed from Brown County, IL.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

A detailed assessment of the human remains was made by the Denver Museum of Nature & Science professional staff in consultation with representatives of the Citizen Potawatomi Nation, Oklahoma; Forest County Potawatomi Community, Wisconsin; Hannahville Indian Community, Michigan; Ho-Chunk Nation of Wisconsin; Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma; Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas; Kickapoo Tribe of Oklahoma; Kickapoo Traditional Tribe of Texas; Match-e-be-nash-she-wish Band of Potawatomi Indians of Michigan; Miami Tribe of Oklahoma; Nottawaseppi Huron Band of the Potawatomi, Michigan; Osage Nation, Oklahoma; Otoe-Missouria Tribe of Indians, Oklahoma; Pawnee Nation of Oklahoma; Peoria Tribe of Indians of Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Prairie Band of Potawatomi Nation, Kansas; Quechan Tribe of the Fort Yuma Indian Reservation, California & Arizona; Sac & Fox Tribe of the Mississippi in Iowa; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Nation, Oklahoma; Winnebago Tribe of Nebraska; and Yankton Sioux Tribe of South Dakota.

In 1915, human remains representing a minimum of three individuals were removed from an unspecified archeological site near Chambersburg, in Brown County, IL. In 1950, the remains were donated to the museum by Robert L. Landberg and Harvey C. Markman and accessioned into the collections (A463.1 (CUI 62), A146.2–3 (CUI 63), and A146.4 (CUI 64)). No known individuals were identified. No associated funerary objects are present.

Based on non-destructive physical analysis and catalogue records, the human remains are determined to be Native American.

Officials of the Denver Museum of Nature & Science have determined, pursuant to 25 U.S.C. 3001(2), that a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian Tribe.

Multiple lines of evidence, including treaties, Acts of Congress, Executive Orders, consultation, and other credible lines of evidence indicate the Native American human remains were removed from the aboriginal land of the Citizen Potawatomi Nation, Oklahoma; Forest County Potawatomi Community, Wisconsin; Hannahville Indian Community, Michigan; Ho-Chunk Nation of Wisconsin; Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma; Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas; Kickapoo Tribe of Oklahoma; Kickapoo Traditional Tribe of Texas; Match-e-be-nash-she-wish Band of Potawatomi

Indians of Michigan; Miami Tribe of Oklahoma; Nottawaseppi Huron Band of the Potawatomi, Michigan; Otoe-Missouria Tribe of Indians, Oklahoma; Pawnee Nation of Oklahoma; Peoria Tribe of Indians of Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Prairie Band of Potawatomi Nation, Kansas; Quechan Tribe of the Fort Yuma Indian Reservation, California & Arizona; Sac & Fox Tribe of the Mississippi in Iowa; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Nation, Oklahoma; and Winnebago Tribe of Nebraska.

Officials of the Denver Museum of Nature & Science have determined, pursuant to 25 U.S.C. 3001(9), that the human remains described above represent the physical remains of three individuals of Native American ancestry. Lastly, officials of the Denver Museum of Nature & Science have determined, pursuant to 43 CFR 10.11(c)(1), that the disposition of the human remains is to the Citizen Potawatomi Nation, Oklahoma; Forest County Potawatomi Community, Wisconsin; Hannahville Indian Community, Michigan; Ho-Chunk Nation of Wisconsin; Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma; Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas; Kickapoo Tribe of Oklahoma; Kickapoo Traditional Tribe of Texas; Match-e-be-nash-she-wish Band of Potawatomi Indians of Michigan; Miami Tribe of Oklahoma; Nottawaseppi Huron Band of the Potawatomi, Michigan; Otoe-Missouria Tribe of Indians, Oklahoma; Pawnee Nation of Oklahoma; Peoria Tribe of Indians of Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Prairie Band of Potawatomi Nation, Kansas; Quechan Tribe of the Fort Yuma Indian Reservation, California & Arizona; Sac & Fox Tribe of the Mississippi in Iowa; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Nation, Oklahoma; and Winnebago Tribe of Nebraska.

Representatives of any Indian Tribe that believes itself to be culturally affiliated with the human remains or any other Indian Tribe that believes it satisfies the criteria in 43 CFR 10.11(c)(1) should contact Dr. Chip Colwell-Chanthaphonh, Denver Museum of Nature & Science, 2001 Colorado Blvd., Denver, CO 80205, telephone (303) 370–6378 before December 16, 2010. Disposition of the human remains to the Citizen Potawatomi Nation, Oklahoma; Forest County Potawatomi Community, Wisconsin; Hannahville Indian Community, Michigan; Ho-Chunk Nation of Wisconsin; Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma; Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas; Kickapoo Tribe of Oklahoma; Kickapoo Traditional Tribe of Texas; Match-e-be-nash-she-wish Band of Potawatomi Indians of Michigan; Miami Tribe of Oklahoma; Nottawaseppi Huron Band of the Potawatomi, Michigan; Otoe-Missouria Tribe of Indians, Oklahoma; Pawnee Nation of Oklahoma; Peoria Tribe of Indians of Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Prairie Band of Potawatomi Nation, Kansas; Quechan Tribe of the Fort Yuma Indian Reservation, California & Arizona; Sac & Fox Tribe of the Mississippi in Iowa; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Nation, Oklahoma; and Winnebago Tribe of Nebraska, may proceed after that date if no additional requestors come forward.

The Denver Museum of Nature & Science is responsible for notifying the Citizen Potawatomi Nation, Oklahoma; Forest County Potawatomi Community, Wisconsin; Hannahville Indian Community, Michigan; Ho-Chunk Nation of Wisconsin; Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma; Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas; Kickapoo Tribe of Oklahoma; Kickapoo Traditional Tribe of Texas; Match-e-be-nash-she-wish Band of Potawatomi Indians of Michigan; Miami Tribe of Oklahoma; Nottawaseppi Huron Band of the Potawatomi, Michigan; Osage Nation, Oklahoma; Otoe-Missouria Tribe of Indians, Oklahoma; Pawnee Nation of Oklahoma; Peoria Tribe of Indians of Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Prairie Band of Potawatomi Nation, Kansas; Quechan Tribe of the Fort Yuma Indian Reservation, California & Arizona; Sac & Fox Tribe of the Mississippi in Iowa; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Nation, Oklahoma; Winnebago Tribe of Nebraska; and Yankton Sioux Tribe of South Dakota, that this notice has been published.

Dated: November 5, 2010.

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. 2010–28743 Filed 11–15–10; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

Native American Graves Protection and Repatriation Review Committee: Meeting 2253–665

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with the Federal Advisory Committee Act, 5 U.S.C. Appendix (1988), of a meeting of the Native American Graves Protection and Repatriation Review Committee (Review Committee). The Review Committee will meet on June 21–22, 2011, in Syracuse, NY, at the Grant Auditorium of the Syracuse University College of Law. The College of Law is located on the campus of Syracuse University, and is sited below the intersection of Irving and East Raynor Streets and next to the Carrier Dome.

The agenda for this meeting will include discussion and adoption of the draft Review Committee Report to the Congress for 2010; discussion of the scope of the Review Committee Report to the Congress for 2011; National NAGPRA Program reports; and the selection of dates and sites for the spring 2012 and fall 2012 meetings. In addition, the agenda may include requests to the Review Committee for a recommendation to the Secretary of the Interior, as required by law, in order to effect the agreed-upon disposition of Native American human remains determined to be culturally unidentifiable; presentations by Indian Tribes, Native Hawaiian organizations, museums, Federal agencies, and the public; requests to the Review Committee, pursuant to 25 U.S.C. 3006 (c)(3), for review and findings of fact related to the identity or cultural affiliation of human remains or other cultural items, or the return of such items; and the hearing of disputes among parties convened by the Review Committee pursuant to 25 U.S.C. 3006 (c)(4). The agenda for this meeting will be posted on or before May 30, 2011, at *http://www.nps.gov/nagpra.*

The Review Committee is soliciting presentations by Indian Tribes, Native Hawaiian organizations, museums, and Federal agencies on the progress made, and any barriers encountered, in implementing NAGPRA. The Review Committee also will consider other presentations by Indian Tribes, Native Hawaiian organizations, museums, Federal agencies, and the public. A presentation request must, at minimum, include an abstract of the presentation

and contact information for the presenter(s). Presentation requests must be received by March 31, 2011.

The Review Committee will consider requests for a recommendation to the Secretary of the Interior, as required by law, in order to effect the agreed-upon disposition of Native American human remains determined to be culturally unidentifiable (CUI). A CUI disposition request must include the appropriate, completed form posted on the National NAGPRA Program Web site and, as applicable, the ancillary materials noted on the form. To access and download the appropriate form—either the form for CUI with a "Tribal land" or "aboriginal land" provenience or the form for CUI without a "Tribal land" or "aboriginal land" provenience—go to *http://www.nps.gov/nagpra,* and then click on "Request for CUI Disposition Form." CUI disposition requests must be received by March 24, 2011.

The Review Committee will consider requests, pursuant to 25 U.S.C. 3006 (c)(3), for review and findings of fact related to the identity or cultural affiliation of human remains or other cultural items, or the return of such items, where consensus among affected parties is unclear or uncertain. A request for findings of fact must include the completed form posted on the National NAGPRA Program Web site and, as applicable, the ancillary materials noted on the form. To access and download the form, go to *http://www.nps.gov/nagpra,* and then click on "Request for Findings of Fact (Not a Dispute) Form." Requests for findings of fact must be received by February 21, 2011.

The Review Committee will consider requests, pursuant to 25 U.S.C. 3006 (c)(4), to convene parties and facilitate a dispute, where consensus clearly has not been reached among affected parties regarding the identity or cultural affiliation of human remains or other cultural items, or the return of such items. A request to convene parties and facilitate a dispute must include the completed form posted on the National NAGPRA Program Web site and, as applicable, the ancillary materials noted on the form. To access and download the form, go to *http://www.nps.gov/nagpra,* and then click on "Request to Convene Parties and Facilitate a Dispute Form." Requests for findings of fact must be received by February 14, 2011.

A submission of 10 pages or less may be made in one of two ways:

1. *Electronically (preferred).* Electronic submissions are to be sent to: *David_Tarler@nps.gov.*

2. *By mail.* Mailed submissions are to be sent to: Designated Federal Officer, NAGPRA Review Committee, National Park Service, National NAGPRA Program, 1201 Eye Street, NW., 8th Floor (2253), Washington, DC 20005.

A submission of more than 10 pages may be made in one of two ways:

1. By mail, on a single compact disc (preferred).

2. By mail, in hard copy, with 14 copies of the submission.

Information about NAGPRA, the Review Committee, and Review Committee meetings is available on the National NAGPRA Program Web site, at *http://www.nps.gov/nagpra.* For the Review Committee's meeting procedures, click on "Review Committee," then click on "Procedures." Meeting minutes may be accessed by going to the Web site; then clicking on "Review Committee;" and then clicking on "Meeting Minutes." Approximately fourteen weeks after each Review Committee meeting, the meeting transcript is posted for a limited time on the National NAGPRA Program Web site.

The Review Committee was established in Section 8 of the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA), 25 U.S.C. 3006. Review Committee members are appointed by the Secretary of the Interior. The Review Committee is responsible for monitoring the NAGPRA inventory and identification process; reviewing and making findings related to the identity or cultural affiliation of cultural items, or the return of such items; facilitating the resolution of disputes; compiling an inventory of culturally unidentifiable human remains that are in the possession or control of each Federal agency and museum, and recommending specific actions for developing a process for disposition of such human remains; consulting with Indian Tribes and Native Hawaiian organizations and museums on matters affecting such Tribes or organizations lying within the scope of work of the Committee; consulting with the Secretary of the Interior on the development of regulations to carry out NAGPRA; and making recommendations regarding future care of repatriated cultural items. The Review Committee's work is carried out during the course of meetings that are open to the public.

Public Comment (Standard) Language

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: November 5, 2010.

David Tarler,

Designated Federal Officer, Native American Graves Protection and Repatriation Review Committee.

[FR Doc. 2010–28742 Filed 11–15–10; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[L.LLIDT02000.L12200000.MA0000.252Z.00]

Notice of Temporary Closure of Castle Rocks Inter-Agency Recreation Area in Cassia County, ID

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Temporary Closure.

SUMMARY: Notice is hereby given that a temporary closure prohibiting climbing of all types, overnight camping, and the construction of new trails is in effect on public lands within the Castle Rocks Inter-Agency Recreation Area that are administered by the Burley Field Office, Bureau of Land Management.

DATES: This closure will be in effect from the date of publication of this notice and shall remain effective for 24 months from the date this notice is published in the **Federal Register**, or until a decision on management of this area is reached in a Land Use Plan Revision for the Burley Field Office, whichever is earlier.

FOR FURTHER INFORMATION CONTACT: Michael Courtney, Field Manager, Burley Field Office, 15 East 200 South, Burley, Idaho 83318. Telephone (208) 677–6641. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individuals during normal business hours. The FIRS is available 24 hours a day, seven days a week, to leave a message or question with the above individuals. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: This closure affects 400 acres of public lands administered by the BLM at Castle Rocks Inter-Agency Recreation Area in Cassia County, Idaho. Lands in the area managed by the U.S. Forest Service or the Idaho Department of Parks and Recreation are not part of this closure

order. The legal description of the affected public lands is:

Boise Meridian

T. 15 S, R. 24 E., sec. 8, NE¼NE¼, W½ NE¼, NW¼, and NW¼ SW¼; and sec. 17, SE¼ NE¼ and NE¼ SE¼.

Containing 400 acres, more or less.

The closure is necessary to prevent adverse cumulative effects to historic properties (defined under 36 CFR 800.16). This closure notice will be posted at the entry points to the Castle Rocks Area and at the BLM, Burley Field Office. Maps of the affected area and other documents associated with this closure will be posted at the BLM Burley Field Office, 15 East 200 South, Burley, Idaho.

The BLM will enforce the following rule on the lands the agency manages within Castle Rocks Inter-Agency Recreation Area:

Climbing, camping, and the construction of new trails are prohibited.

Exemptions: The following persons are exempt from this order: Federal, State, or local officials and employees in the performance of their official duties; members of organized rescue or fire-fighting forces in the performance of their official duties; and persons with written authorization from the Bureau of Land Management.

Penalties: Any person who violates the above rule(s) and/or restrictions(s) may be tried before a United States Magistrate and fined no more than $1,000, imprisoned for no more than 12 months, or both. Such violations may also be subject to the enhanced fines provided for by 18 U.S.C. 3571.

Authority: 43 CFR 8364.1.

Michael Courtney,

Field Manager, BLM Burley Field Office.

[FR Doc. 2010–28723 Filed 11–15–10; 8:45 am]

BILLING CODE 4310–GG–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OMB Number: 1121–0292]

Agency Information Collection Activities: Extension of a Currently Approved Collection

ACTION: 60-Day Notice of Information Collection Under Review: Survey of Sexual Violence (SSV)

The Department of Justice (DOJ), Bureau of Justice Statistics, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for "sixty days" until January 18, 2011. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Paul Guerino, Bureau of Justice Statistics, 810 Seventh Street NW., Washington, DC 20531 (phone: 202–307–0349).

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Existing data collection.

(2) *Title of the Form/Collection:* Survey of Sexual Violence.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: SSV1, SSV2, SSV3, SSV4, SSV5, SSV6, SSVIA, SSVIJ; Bureau of Justice Statistics, Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* State, Local, or Tribal Government. *Other:* Federal Government, Business or other for-profit, Not-for-profit institutions. The data will be used to develop estimates for the incidence and prevalence of sexual assault within correctional facilities, as well as characteristics of substantiated incidents, as required under the Prison Rape Elimination Act of 2003 (Pub. L. 108–79).

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 1,281 respondents will complete each summary form within 60 minutes and each substantiated incident form (as needed, we estimate about 1,100 forms will be completed) in 15 minutes.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 1,556 total annual burden hours associated with this collection.

If additional information is required contact: Lynn Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N. Street, NE., Suite 2E–502, Washington, DC 20530.

Dated: November 10, 2010.

Lynn Murray,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2010–28844 Filed 11–15–10; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Open SystemC Initiative

Notice is hereby given that, on October 14, 2010, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Open SystemC Initiative ("OSCI") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Kasura Technologies Private Limited, Bangalore, INDIA, has been added as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and OSCI intends

to file additional written notifications disclosing all changes in membership.

On October 9, 2001, OSCI filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on January 3, 2002 (67 FR 350).

The last notification was filed with the Department on June 4, 2010. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on July 14, 2010 (75 FR 40852)

Patricia A. Brink,

Deputy Director of Operations, Antitrust Division.

[FR Doc. 2010–28559 Filed 11–15–10; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—American Society of Mechanical Engineers

Notice is hereby given that, on October 14, 2010, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), American Society of Mechanical Engineers ("ASME") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing additions or changes to its standards development activities. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, since June 24, 2010, ASME has published five new standards, initiated seven new standards activities, and withdrawn three standards within the general nature and scope of ASME's standards development activities, as specified in its original notification. More detail regarding these changes can be found at *http://www.asme.org.*

On September 15, 2004, ASME filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on October 13, 2004 (69 FR 60895).

The last notification was filed with the Department on June 28, 2010. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on August 2, 2010 (75 FR 45156).

Patricia A. Brink,

Deputy Director of Operations, Antitrust Division.

[FR Doc. 2010–28560 Filed 11–15–10; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Open Axis Group, Inc.

Notice is hereby given that, on October 6, 2010, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Open Axis Group, Inc. ("Open Axis") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties to the venture and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Pursuant to Section 6(b) of the Act, the identities of the parties to the venture are: American Airlines, Fort Worth, TX; US Airways, Tempe, AZ; Air Canada, Saint-Laurent, Quebec, CANADA; Continental Airlines, Houston, TX; Delta Air Lines, Inc., Atlanta, GA; United Airlines, Inc., Chicago, IL; Airline Tariff Publishing Company, Dulles, VA; Airlines Reporting Corporation, Arlington, VA; Datalex, Dublin, IRELAND; PASS Consulting Corp., Miami Beach, FL; Mobiata, Ann Arbor, MI; AOl Marketing, Minneapolis, MN; eNett International (Jersey) Ltd., Saint Helier, Jersey, UNITED KINGDOM; Farelogix, Miami, FL; Vayant Travel Technologies Inc., Lewes, DE; Guestlogix Inc., Toronto, Ontario, CANADA; Ypsilon.net AG, Frankfurt, GERMANY; and Rearden Commerce, Foster City, CA. The general area of Open Axis's planned activity is to promote the extensible markup language ("XML") as the optimal electronic messaging structure for airline system connectivity. In support of this purpose, Open Axis intends to adopt, promote, and maintain standardized XML schema tailored to the airline industry and capable of delivering comprehensive functionality to both supply and demand sides of the travel supply chain ("Standards") on a worldwide basis.

Open Axis may also engage in some or all of the following activities: (i) Provide for testing and conformity assessment of implementations in order to ensure and/or facilitate compliance with Standards; (ii) operate a branding program based upon distinctive trademarks to create high customer awareness of, demand for, and confidence in products designed in compliance with Standards; (iii) develop and/or fund the development of interoperability and/or certification tests; (iv) administer or subcontract testing services; (v) create and own distinctive trademarks, service marks, and/or certification marks; (vi) administer or subcontract a branding program; (vii) create printed and/or electronic materials for distribution to members and non-members; (viii) maintain its own Web site; (ix) coordinate the promotion of Standards among members and non-members; (x) maintain relations with, and reference standards developed by, other standard setting organizations and industry consortia to ensure coherence among Standards maintained by Open Axis and such other organizations; and (xi) undertake those other activities which its Board of Directors may from time to time approve. Open Axis is not engaged in and does not intend to engage in production activities.

Patricia A. Brink,

Deputy Director of Operations, Antitrust Division.

[FR Doc. 2010–28561 Filed 11–15–10; 8:45 am]

BILLING CODE 4410–11–M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Advisory Committee on the Records of Congress

AGENCY: National Archives and Records Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, the National Archives and Records Administration (NARA) announces a meeting of the Advisory Committee on the Records of Congress. The committee advises NARA on the full range of programs, policies, and plans for the Center for Legislative Archives in the Office of Records Services. The meeting will be open to the public.

DATES: This meeting will be held on December 6, 2010 from 10 a.m. to 11:30 a.m.

ADDRESSES: Capitol Visitor Center, Congressional Meeting Room South.

FOR FURTHER INFORMATION CONTACT: Richard H. Hunt, Director; Center for Legislative Archives; (202) 357–5350.

SUPPLEMENTARY INFORMATION:

Agenda

(1) Chair's opening remarks—Clerk of the House;

(2) Recognition of Co-chair—Secretary of the Senate;

(3) Recognition of the Archivist of the United States;

(4) Approval of the minutes of the last meeting;

(5) Discussion of on-going projects and activities;

(6) Annual Report of the Center for Legislative Archives;

(7) Other current issues and new business.

Dated: November 9, 2010.

Mary Ann Hadyka,

Committee Management Officer.

[FR Doc. 2010–28794 Filed 11–15–10; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Meetings of Humanities Panel

AGENCY: The National Endowment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given that the following meetings of Humanities Panels will be held at the Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Michael P. McDonald, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506; telephone (202) 606–8322. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the Endowment's TDD terminal on (202) 606–8282.

SUPPLEMENTARY INFORMATION: The proposed meetings are for the purpose of panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by the grant applicants. Because the proposed meetings will consider information that is likely to disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential and/or information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee meetings, dated July 19, 1993, I have determined that these meetings will be closed to the public pursuant to subsections (c)(4), and (6) of section 552b of Title 5, United States Code.

1. *Date:* December 1, 2010.
Time: 9 a.m. to 5 p.m.
Room: 315.
Program: This meeting will review applications for Picturing America School Collaboration Projects, submitted to the Division of Education Programs at the October 7, 2010 deadline.

2. *Date:* December 1, 2010.
Time: 9 a.m. to 5 p.m.
Room: 402.
Program: This meeting will review applications for Digital Humanities Start Up Grants, submitted to the Office of Digital Humanities at the October 5, 2010 deadline.

3. *Date:* December 2, 2010.
Time: 9 a.m. to 5 p.m.
Room: 415.
Program: This meeting will review applications for History and Culture V in Preservation and Access Humanities Collection and Reference Resources, submitted to the Division of Preservation and Access at the July 15, 2010 deadline.

4. *Date:* December 6, 2010.
Time: 9 a.m. to 5 p.m.
Room: 402.
Program: This meeting will review applications for Digital Humanities Start Up Grants, submitted to the Office of Digital Humanities at the October 5, 2010 deadline.

5. *Date:* December 7, 2010.
Time: 9 a.m. to 5 p.m.
Room: 402.
Program: This meeting will review applications for Digital Humanities Start Up Grants, submitted to the Office of Digital Humanities at the October 5, 2010 deadline.

6. *Date:* December 7, 2010.
Time: 9 a.m. to 5 p.m.
Room: 415.
Program: This meeting will review applications for Music History in Preservation and Access Humanities Collection and Reference Resources, submitted to the Division of Preservation and Access at the July 15, 2010 deadline.

7. *Date:* December 8, 2010.
Time: 9 a.m. to 5 p.m.
Room: 402.
Program: This meeting will review applications for Digital Humanities Start Up Grants, submitted to the Office of Digital Humanities at the October 5, 2010 deadline.

8. *Date:* December 9, 2010.
Time: 9 a.m. to 5 p.m.
Room: 402.
Program: This meeting will review applications for Digital Humanities Start Up Grants, submitted to the Office of Digital Humanities at the October 5, 2010 deadline.

9. *Date:* December 13, 2010.
Time: 8:30 a.m. to 5 p.m.
Room: 315.
Program: This meeting will review applications for Fellowship Programs at Independent Research Institutions, submitted to the Division of Research Programs at the August 17, 2010 deadline.

Michael P. McDonald,

Advisory Committee, Management Officer.

[FR Doc. 2010–28805 Filed 11–15–10; 8:45 am]

BILLING CODE 7536–01–P

NUCLEAR REGULATORY COMMISSION

Biweekly Notice; Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to section 189a. (2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (the Commission or NRC) is publishing this regular biweekly notice. The Act requires the Commission publish notice of any amendments issued, or proposed to be issued and grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from October 21, 2010 to November 3, 2010. The last biweekly notice was published on November 2, 2010 (75 FR 67399).

Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration.

Under the Commission's regulations in Title 10 of the Code of Federal Regulations (10 CFR) 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules, Announcements and Directives Branch (RADB), TWB–05–B01M, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be faxed to the RADB at 301–492–3446. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area O1F21, 11555 Rockville Pike (first floor), Rockville, Maryland.

Within 60 days after the date of publication of this notice, any person(s) whose interest may be affected by this action may file a request for a hearing and a petition to intervene with respect to issuance of the amendment to the subject facility operating license. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the Commission's PDR, located at One White Flint North, Public File Area O1F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/doc-collections/cfr/.* If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also identify the specific contentions which the requestor/petitioner seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the requestor/petitioner shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the requestor/petitioner intends to rely in proving the contention at the hearing. The requestor/petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the requestor/petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the requestor/petitioner to relief. A requestor/petitioner who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC E-Filing rule (72 FR 49139, August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least ten

(10) days prior to the filing deadline, the participant should contact the Office of the Secretary by e-mail at *hearing.docket@nrc.gov,* or by telephone at (301) 415–1677, to request (1) a digital ID certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/apply-certificates.html.* System requirements for accessing the E-Submittal server are detailed in NRC's "Guidance for Electronic Submission," which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through EIE, users will be required to install a Web browser plug-in from the NRC Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an e-mail notice confirming receipt of the document. The E-Filing system also distributes an e-mail notice that provides access to the document to the NRC Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the agency's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the "Contact Us" link located on the NRC Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by e-mail at *MSHD.Resource@nrc.gov,* or by a toll-free call at 866–672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, *Attention:* Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, *Attention:* Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in NRC's electronic hearing docket which is available to the public at *http://ehd.nrc.gov/EHD_Proceeding/home.asp,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Petitions for leave to intervene must be filed no later than 60 days from the date of publication of this notice. Non-timely filings will not be entertained absent a determination by the presiding officer that the petition or request should be granted or the contentions should be admitted, based on a balancing of the factors specified in 10 CFR 2.309(c)(1)(i)–(viii).

For further details with respect to this license amendment application, see the application for amendment which is available for public inspection at the Commission's PDR, located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the ADAMS Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/adams.html.* Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr.resource@nrc.gov.*

Duke Energy Carolinas, LLC, et al., Docket Nos. 50–413 and 50–414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina

Date of amendment request: March 31, 2010.

Description of amendment request: The amendments would revise the Technical Specifications (TSs) to relocate specific surveillance frequency requirements to a licensee-controlled program using a risk-informed justification.

Basis for proposed no significant hazards consideration determination: As required by Title 10 of the Code of

Federal Regulations (10 CFR) 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of any accident previously evaluated?

Response: No.

The proposed change relocates the specified frequencies for periodic [surveillance requirements] SRs to licensee control under a new Surveillance Frequency Control Program. Surveillance frequencies are not an initiator to any accident previously evaluated. As a result, the probability of any accident previously evaluated is not significantly increased. The systems and components required by the TS for which the [surveillance frequencies] SFs are relocated are still required to be operable, meet the acceptance criteria for the surveillance requirements (SRs), and be capable of performing any mitigation function assumed in the accident analysis. As a result, the consequences of any accident previously evaluated are not significantly increased.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any previously evaluated?

Response: No.

No new or different accidents result from utilizing the proposed changes. The changes do not involve a physical alteration of the plant (*i.e.,* no new or different type of equipment will be installed) or a change in the methods governing normal plant operation. In addition, the changes do not impose any new or different requirements.

The changes do not alter assumptions made in the safety analysis. The proposed changes are consistent with the safety analysis assumptions and current plant operating practice.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in the margin of safety?

Response: No.

The design, operation, testing methods, and acceptance criteria for systems, structures, and components (SSCs), specified in applicable codes and standards (or alternatives approved for use by the NRC) will continue to be met as described in the plant licensing basis (including the Updated Final Safety Analysis Report and Bases to the Technical Specifications), since these are not affected by changes to the SFs. Similarly, there is no impact to safety analysis acceptance criteria as described in the plant licensing basis.

To evaluate a change in the relocated SF, Duke Energy will perform a probabilistic risk evaluation using the guidance contained in NRC approved NEI 04–10, Rev. 1 in accordance with the TS [surveillance frequency control program] SFCP. NEI 04–10, Rev. 1, methodology provides reasonable acceptance guidelines and methods for evaluating the risk increase of proposed changes to SFs consistent with Regulatory Guide 1.177.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Lara S. Nichols, Associate General Counsel, Duke Energy Corporation, 526 South Church Street—EC07H, Charlotte, NC 28202.

NRC Branch Chief: Gloria Kulesa.

Duke Energy Carolinas, LLC, Docket Nos. 50–369 and 50–370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina

Date of amendment request: March 24, 2010.

Description of amendment request: The proposed amendments would revise the Technical Specifications (TSs) to relocate specific surveillance frequency requirements to a licensee controlled program using a risk-informed justification.

Basis for proposed no significant hazards consideration determination: As required by Title 10 of the Code of Federal Regulations (10 CFR) 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of any accident previously evaluated?

Response: No.

The proposed change relocates the specified frequencies for periodic surveillance requirements to licensee control under a new Surveillance Frequency Control Program. Surveillance frequencies are not an initiator to any accident previously evaluated. As a result, the probability of any accident previously evaluated is not significantly increased. The systems and components required by the Technical Specifications for which the surveillance frequencies are relocated are still required to be operable, meet the acceptance criteria for the surveillance requirements, and be capable of performing any mitigation function assumed in the accident analysis. As a result, the consequences of any accident previously evaluated are not significantly increased.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed create the possibility of a new or different kind of accident from any previously evaluated?

Response: No.

No new or different accidents result from utilizing the proposed change. The changes do not involve a physical alteration of the plant (i.e., no new or different type of equipment will be installed) or a change in the methods governing normal plant operation. In addition, the changes do not impose any new or different requirements. The changes do not alter assumptions made in the safety analysis. The proposed changes are consistent with the safety analysis assumptions and current plant operating practice.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in the margin of safety?

Response: No.

The design, operation, testing methods, and acceptance criteria for systems, structures, and components (SSCs), specified in applicable codes and standards (or alternatives approved for use by the NRC) will continue to be met as described in the plant licensing basis (including the Updated Final Safety Analysis Report and Bases to the Technical Specifications), since these are not affected by changes to the surveillance frequencies. Similarly, there is no impact to safety analysis acceptance criteria as described in the plant licensing basis. To evaluate a change in the relocated surveillance frequency, Duke Energy will perform a probabilistic risk evaluation using the guidance contained in NRC-approved NEI 04–10, Revision 1 in accordance with the TS (surveillance frequency control program) SFCP. NEI 04–10, Revision 1, methodology provides reasonable acceptance guidelines and methods for evaluating the risk increase of proposed changes to surveillance frequencies consistent with Regulatory Guide 1.177.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Lara S. Nichols, Associate General Counsel, Duke Energy Corporation, 526 South Church Street—EC07H, Charlotte, NC 28202.

NRC Branch Chief: Gloria Kulesa.

Omaha Public Power District, Docket No. 50–285, Fort Calhoun Station, Unit No. 1, Washington County, Nebraska

Date of amendment request: July 26, 2010.

Description of amendment request: The proposed amendment would approve the Fort Calhoun Station, Unit

1 cyber security plan and associated implementation schedule, and revise the physical protect license condition to require the licensee to fully implement and maintain in effect all provisions of the NRC-approved Cyber Security Plan. The proposed change is consistent with Nuclear Energy Institute (NEI) 08–09, Revision 6, "Cyber Security Plan for Nuclear Power Reactors."

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Do the proposed changes involve a significant increase in the probability or consequences of an accident previously evaluated?

Response:

No.

The proposed amendment incorporates a new requirement in the Facility Operating License to implement and maintain a Cyber Security Plan as part of the facility's overall program for physical protection. Inclusion of the Cyber Security Plan in the Facility Operating License (FOL) itself does not involve any modifications to the safety-related structures, systems or components (SSCs). Rather, the Cyber Security Plan describes how the requirements of 10 CFR 73.54 are to be implemented to identify, evaluate, and mitigate cyber attacks up to and including the design basis cyber attack threat, thereby achieving high assurance that the facility's digital computer and communications systems and networks are protected from cyber attacks. The implementation and incorporation of the Cyber Security Plan into the FOL will not alter previously evaluated Updated Safety Analysis Report (USAR) design basis accident analysis assumptions, add any accident initiators, or affect the function of the plant safety-related SSCs as to how they are operated, maintained, modified, tested, or inspected.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Do the proposed changes create the possibility of a new or different kind of accident from any accident previously evaluated?

No.

The proposed amendment provides assurance that safety-related SSCs are protected from cyber attacks. Implementation of 10 CFR 73.54 and inclusion of the Cyber Security Plan in the FOL do not result in the need for any new or different USAR design basis accident analysis. It does not introduce new equipment that could create a new or different kind of accident, and no new equipment failure modes are created. As a result, no new accident scenarios, failure mechanisms, or limiting single failures are introduced as a result of the proposed amendment.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident than those previously evaluated.

3. Do the proposed changes involve a significant reduction in a margin of safety?

No.

The margin of safety is associated with the confidence in the ability of the fission product barriers (i.e., fuel cladding, reactor coolant pressure boundary, and containment structure) to limit the level of radiation to the public. The proposed amendment would not alter the way any safety-related SSC functions and would not alter the way the plant is operated. The amendment provides assurance that safety related SSCs are protected from cyber attacks. The proposed amendment would not introduce any new uncertainties or change any existing uncertainties associated with any safety limit. The proposed amendment would have no impact on the structural integrity of the fuel cladding, reactor coolant pressure boundary, or containment structure. Based on the above considerations, the proposed amendment would not degrade confidence in the ability of the fission product barriers to limit the level of radiation to the public.

Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: David A. Repka, Esq., Winston & Strawn, 1700 K Street, NW., Washington, DC 20006–3817.

NRC Branch Chief: Michael T. Markley.

Notice of Issuance of Amendments to Facility Operating Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for A Hearing in connection with these actions was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.22(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action *see* (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items are available for public inspection at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area 01F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the internet at the NRC Web site, *http://www.nrc.gov/reading-rm/adams.html.* If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the PDR Reference staff at 1 800–397–4209, 301–415–4737 or by e-mail to *pdr.resource@nrc.gov.*

Detroit Edison Company, Docket No. 50–341, Fermi 2, Monroe County, Michigan

Date of application for amendment: June 10, 2009, supplemented by letters dated September 16, 2009, July 23, 2010, and October 4, 2010.

Brief description of amendment: The amendment revises Table 3.3.8.1–1 to add a new time delay logic associated with Function 2 for degraded voltage concurrent with a loss-of-coolant accident to address issues discussed in NRC Inspection Report 05000341/2008008, dated June 20, 2008. The amendment also revises the maximum and minimum allowable values for the 4160 V emergency bus undervoltage for Surveillance Requirements 3.8.1.2, 3.8.1.7, 3.8.1.10, 3.8.1.11, 3.8.1.14, and 3.8.1.17.

Date of issuance: October 20, 2010.

Effective date: As of the date of issuance and shall be implemented upon completion of fourteenth refueling outage.

Amendment No.: 183.

Facility Operating License No. NPF–43: Amendment revised the Technical Specifications and License.

Date of initial notice in ***Federal Register:*** August 11, 2009 (74 FR 40235). Supplemental information submitted on July 23, 2010, expanded the scope of application and was described in a revised notice published on August 10, 2010 (75 FR 48373). Supplemental information submitted on October 4, 2010, did not further change the proposed no significant hazards consideration determination as published on August 10, 2010.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 20, 2010.

No significant hazards consideration comments received: No.

Energy Northwest, Docket No. 50–397, Columbia Generating Station, Benton County, Washington

Date of application for amendment: February 8, 2010, as supplemented by letter dated August 17, 2010.

Brief description of amendment: The amendment modified Technical Specification (TS) requirements related to TS 3.1.3, "Control Rod OPERABILITY," and TS 3.1.5, "Control Rod Scram Accumulators," to be consistent with NUREG–1433, "Standard Technical Specifications General Electric Plants, BWR/4." The amendment also corrects certain typographical errors.

Date of issuance: October 25, 2010.

Effective date: As of its date of issuance and shall be implemented within 90 days from the date of issuance.

Amendment No.: 216.

Facility Operating License No. NPF–21: The amendment revised the Facility Operating License and Technical Specifications.

Date of initial notice in ***Federal Register***: April 6, 2010 (75 FR 17442). The supplemental letter dated August 17, 2010, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 25, 2010.

No significant hazards consideration comments received: No.

Energy Northwest, Docket No. 50–397, Columbia Generating Station, Benton County, Washington

Date of application for amendment: April 28, 2010, as supplemented by letter dated August 9, 2010.

Brief description of amendment: The amendment revised the Final Safety Analysis Report to support U.S. Department of Energy non-intrusive surveillance and characterization activities within the 618–11 High-Level Waste Burial Ground.

Date of issuance: October 25, 2010.

Effective date: As of its date of issuance and shall be implemented within 60 days from the date of issuance.

Amendment No.: 217.

Facility Operating License No. NPF–21: The amendment revised the Facility Operating License.

Date of initial notice in ***Federal Register***: June 29, 2010 (75 FR 37473). The supplemental letter dated August 9, 2010, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register.**

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 25, 2010.

No significant hazards consideration comments received: No.

Energy Northwest, Docket No. 50–397, Columbia Generating Station, Benton County, Washington

Date of application for amendment: April 28, 2010, as supplemented by letter dated August 9, 2010.

Brief description of amendment: The proposed change revised the Emergency Plan to address U.S. Department of Energy non-intrusive surveillance and characterization activities within the 618–11 Waste Burial Ground.

Date of issuance: November 3, 2010.

Effective date: As of its date of issuance and shall be implemented within 60 days from the date of issuance.

Amendment No.: 218.

Facility Operating License No. NPF–21: The amendment revised the Facility Operating License and the Emergency Plan.

Date of initial notice in ***Federal Register:*** June 29, 2010 (75 FR 37473). The supplemental letter dated August 9, 2010, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register.**

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 3, 2010.

No significant hazards consideration comments received: No.

Energy Northwest, Docket No. 50–397, Columbia Generating Station, Benton County, Washington

Date of application for amendment: March 31, 2010.

Brief description of amendment: The amendment revised the Technical Specifications (TSs) to add a channel check surveillance requirement to TS 3.3.6.1, "Primary Containment Isolation Instrumentation," for the reactor pressure vessel low water level isolation signal to the primary containment isolation valves.

Date of issuance: November 3, 2010.

Effective date: As of its date of issuance and shall be implemented prior to entry into Mode 2 during restart from Refueling Outage R–20, currently scheduled for spring 2011.

Amendment No.: 219.

Facility Operating License No. NPF–21: The amendment revised the Facility Operating License and Technical Specifications.

Date of initial notice in ***Federal Register***: June 1, 2010 (75 FR 30445).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 3, 2010.

No significant hazards consideration comments received: No.

Entergy Gulf States Louisiana, LLC, and Entergy Operations, Inc., Docket No. 50–458, River Bend Station, Unit 1, West Feliciana Parish, Louisiana

Date of amendment request: January 28, 2010.

Brief description of amendment: The amendment revised Section 13.3.4.2.2.4, "Plant Systems Engineering, Repair, and Corrective Actions," and Table 13.3–17, "Shift Staffing and Augmentation Capabilities," of the River Bend Station (RBS) Emergency Plan. The revision will allow two maintenance positions on shift to be filled with any combination of the three maintenance craft disciplines. Currently, Table 13.3–17 of the Emergency Plan only allows electrical or instrumentation and control technicians to fill these two positions.

Date of issuance: October 21, 2010.

Effective date: As of the date of issuance and shall be implemented 90 days from the date of issuance.

Amendment No.: 169.

Facility Operating License No. NPF–47: The amendment revised the Facility Operating License and Technical Specifications.

Date of initial notice in ***Federal Register:*** April 6, 2010 (75 FR 17442).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 21, 2010.

No significant hazards consideration comments received: No.

Luminant Generation Company LLC, Docket Nos. 50–445 and 50–446, Comanche Peak Nuclear Power Plant, Unit Nos. 1 and 2, Somervell County, Texas

Date of amendment request: October 26, 2009, as supplemented by letter dated May 4, 2010.

Brief description of amendments: The amendments revised Technical Specification (TS) 3.8.1 entitled "AC [Alternating Current] Sources—Operating," to extend, on a one-time basis, the allowable Completion Time of Required Action A.3 for one offsite circuit inoperable, from 72 hours to 14 days. This change is only applicable to startup transformer (ST) XST2 and will expire on March 1, 2011. This change is needed to allow sufficient time to make final terminations as part of a plant modification to facilitate connection of either ST XST2 or the spare ST to the Class 1E buses.

Date of issuance: October 29, 2010.

Effective date: As of the date of issuance and shall be implemented within 120 days from the date of issuance.

Amendment Nos.: Unit 1–152; Unit 2–152.

Facility Operating License Nos. NPF–87 and NPF–89: The amendments revised the Facility Operating Licenses and Technical Specifications.

Date of initial notice in ***Federal Register***: January 26, 2010 (75 FR 4117). The supplemental letter dated May 4, 2010, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated October 29, 2010.

No significant hazards consideration comments received: No.

Tennessee Valley Authority, Docket Nos. 50–259, 50–260, and 50–296, Browns Ferry Nuclear Plant, Units 1, 2, and 3, Limestone County, Alabama

Date of application for amendment: October 20, 2009.

Brief description of amendment: The amendments delete paragraph d of Technical Specification (TS) 5.2.2, "Unit Staff," to eliminate working-hour restrictions in the TS, as similar requirements are sufficiently imposed by Title 10 of the *Code of Federal Regulations* (10 CFR), Part 26, Subpart I.

Date of issuance: October 29, 2010.

Effective date: As of the date of issuance and shall be implemented within 30 days.

Amendment Nos.: 278, 305, and 264.

Renewed Facility Operating License Nos. DPR–33, DPR–52, and DPR–68: Amendment revised the License and TSs.

Date of initial notice in ***Federal Register***: December 1, 2009 (74 FR 62836).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 29, 2010.

No significant hazards consideration comments received: Nos. 278, 305, and 264.

Virginia Electric and Power Company, Docket Nos. 50–338 and 50–339, North Anna Power Station, Units 1 and 2, Louisa County, Virginia

Date of application for amendment: September 28, 2009, as supplemented by letters dated April 8, and May 10, 2010.

Brief description of amendment: The amendments revised the Technical Specifications (TSs) by adding new Conditions B and C with associated Action Statements and Completion Times to TS 3.7.12 and modifying Conditions A and D. The changes specifically addressed the filtration function of the Emergency Core Cooling System (ECCS) Pump Room Exhaust Air Cleanup System (PREACS).

Date of issuance: November 1, 2010.

Effective date: As of the date of issuance and shall be implemented within 60 days from the date of issuance.

Amendment Nos.: 260 and 241.

Renewed Facility Operating License Nos. NPF–4 and NPF–7: Amendments changed the licenses and the TSs.

Date of initial notice in ***Federal Register***: December 1, 2009 (74 FR 62838).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated November 1, 2010. The supplemental letters provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazard consideration determination.

No significant hazards consideration comments received: No.

Wolf Creek Nuclear Operating Corporation, Docket No. 50–482, Wolf Creek Generating Station, Coffey County, Kansas

Date of amendment request: January 28, 2010.

Brief description of amendment: The amendment revised the Limiting Condition for Operation (LCO) of Technical Specification 3.6.3, "Containment Isolation Valves," for Wolf Creek Generating Station. A note has been added to LCO 3.6.3 to allow the reactor coolant pump seal injection valves to be considered OPERABLE with the valves open and power removed.

Date of issuance: November 3, 2010.

Effective date: As the date of issuance and will be implemented within 90 days of the date of issuance.

Amendment No.: 190.

Renewed Facility Operating License No. NPF–42. The amendment revised the Operating License and Technical Specifications.

Date of initial notice in ***Federal Register***: March 23, 2010 (75 FR 13792).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 3, 2010.

No significant hazards consideration comments received: No.

Notice of Issuance of Amendments To Facility Operating Licenses and Final Determination of No Significant Hazards Consideration and Opportunity For a Hearing (Exigent Public Announcement or Emergency Circumstances)

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I,

which are set forth in the license amendment.

Because of exigent or emergency circumstances associated with the date the amendment was needed, there was not time for the Commission to publish, for public comment before issuance, its usual Notice of Consideration of Issuance of Amendment, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing.

For exigent circumstances, the Commission has either issued a Federal Register notice providing opportunity for public comment or has used local media to provide notice to the public in the area surrounding a licensee's facility of the licensee's application and of the Commission's proposed determination of no significant hazards consideration. The Commission has provided a reasonable opportunity for the public to comment, using its best efforts to make available to the public means of communication for the public to respond quickly, and in the case of telephone comments, the comments have been recorded or transcribed as appropriate and the licensee has been informed of the public comments.

In circumstances where failure to act in a timely way would have resulted, for example, in derating or shutdown of a nuclear power plant or in prevention of either resumption of operation or of increase in power output up to the plant's licensed power level, the Commission may not have had an opportunity to provide for public comment on its no significant hazards consideration determination. In such case, the license amendment has been issued without opportunity for comment. If there has been some time for public comment but less than 30 days, the Commission may provide an opportunity for public comment. If comments have been requested, it is so stated. In either event, the State has been consulted by telephone whenever possible.

Under its regulations, the Commission may issue and make an amendment immediately effective, notwithstanding the pendency before it of a request for a hearing from any person, in advance of the holding and completion of any required hearing, where it has determined that no significant hazards consideration is involved.

The Commission has applied the standards of 10 CFR 50.92 and has made a final determination that the amendment involves no significant hazards consideration. The basis for this determination is contained in the documents related to this action. Accordingly, the amendments have been issued and made effective as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action *see* (1) the application for amendment, (2) the amendment to Facility Operating License, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment, as indicated. All of these items are available for public inspection at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area 01F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/adams.html.* If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the PDR Reference staff at 1 (800) 397–4209, (301) 415–4737 or by e-mail to *pdr.resource@nrc.gov.*

The Commission is also offering an opportunity for a hearing with respect to the issuance of the amendment. Within 60 days after the date of publication of this notice, any person(s) whose interest may be affected by this action may file a request for a hearing and a petition to intervene with respect to issuance of the amendment to the subject facility operating license. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the Commission's PDR, located at One White Flint North, Public File Area 01F21, 11555 Rockville Pike (first floor), Rockville, Maryland, and electronically on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/doc-collections/cfr/.* If there are problems in accessing the document, contact the PDR Reference staff at 1 (800) 397–4209, (301) 415–4737, or by e-mail to *pdr.resource@nrc.gov.* If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also identify the specific contentions which the requestor/petitioner seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the requestor/petitioner shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact.[1] Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A requestor/petitioner who fails to satisfy

[1] To the extent that the applications contain attachments and supporting documents that are not publicly available because they are asserted to contain safeguards or proprietary information, petitioners desiring access to this information should contact the applicant or applicant's counsel and discuss the need for a protective order.

these requirements with respect to at least one contention will not be permitted to participate as a party.

Each contention shall be given a separate numeric or alpha designation within one of the following groups:

1. Technical—primarily concerns/issues relating to technical and/or health and safety matters discussed or referenced in the applications.

2. Environmental—primarily concerns/issues relating to matters discussed or referenced in the environmental analysis for the applications.

3. Miscellaneous—does not fall into one of the categories outlined above.

As specified in 10 CFR 2.309, if two or more petitioners/requestors seek to co-sponsor a contention, the petitioners/requestors shall jointly designate a representative who shall have the authority to act for the petitioners/requestors with respect to that contention. If a requestor/petitioner seeks to adopt the contention of another sponsoring requestor/petitioner, the requestor/petitioner who seeks to adopt the contention must either agree that the sponsoring requestor/petitioner shall act as the representative with respect to that contention, or jointly designate with the sponsoring requestor/petitioner a representative who shall have the authority to act for the petitioners/requestors with respect to that contention.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing. Since the Commission has made a final determination that the amendment involves no significant hazards consideration, if a hearing is requested, it will not stay the effectiveness of the amendment. Any hearing held would take place while the amendment is in effect.

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC E-Filing rule (72 FR 49139, August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least ten (10) days prior to the filing deadline, the participant should contact the Office of the Secretary by e-mail at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to request (1) a digital ID certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/apply-certificates.html.* System requirements for accessing the E-Submittal server are detailed in NRC's "Guidance for Electronic Submission," which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through EIE, users will be required to install a Web browser plug-in from the NRC Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an e-mail notice confirming receipt of the document. The E-Filing system also distributes an e-mail notice that provides access to the document to the NRC Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the agency's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the "Contact Us" link located on the NRC Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by e-mail at *MSHD.Resource@nrc.gov,* or by a toll-free call at 866–672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, *Attention:* Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, *Attention:* Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant

or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in NRC's electronic hearing docket which is available to the public at *http://ehd.nrc.gov/EHD_Proceeding/home.asp,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Northern States Power Company—Minnesota, Docket No. 50–282, Prairie Island Nuclear Generating Plant (PINGP), Unit 1, Goodhue County, Minnesota

Date of amendment request: October 14, 2010, as supplemented by letters dated October 16, October 17, October 18 and October 20, 2010.

Description of amendment request: This amendment revises the Technical Specifications Surveillance Requirement (SR) 3.8.1.10(c), by allowing the PINGP Unit 1 12 Battery Charger to not be energized during the safety injection testing of emergency diesel generator D2, until a modification is completed during the Unit 1 2011 refueling outage. Prior to start up from the 2011 refueling outage, the 12 Battery Charger will be tested in accordance with SR 3.8.1.10(c).

Date of issuance: October 22, 2010.

Effective date: As of the date of issuance and shall be implemented immediately.

Amendment No.: 198.

Facility Operating License No. DPR–42: Amendment revises the Technical Specifications

Public comments requested as to proposed no significant hazards consideration (NSHC): Yes. Public notice of the proposed amendment was published in the *Red Wing Republican Eagle* newspaper, located in Red Wing, Goodhue County, Minnesota, and the *Minneapolis Star Tribune* newspaper, located in Minneapolis, Minnesota, on October 20, 2010. The notice provided an opportunity to submit comments on the Commission's proposed NSHC determination. No comments have been received.

The supplemental letters contained clarifying information and did not change this initial no significant hazard consideration determination, and did not expand the scope of the original notice.

The Commission's related evaluation of the amendment, finding of exigent circumstances, state consultation, and final NSHC determination are contained in a safety evaluation dated October 22, 2010.

Attorney for licensee: Peter M. Glass, Assistant General Counsel, Xcel Energy Services, Inc., 414 Nicollet Mall, Minneapolis, MN 55401.

NRC Branch Chief: Robert J. Pascarelli.

Dated at Rockville, Maryland, this 4th day of November 2010.

For The Nuclear Regulatory Commission.

Joseph G. Giitter,

Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2010–28822 Filed 11–15–10; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2010–0002]

Sunshine Act Notice

DATE: Weeks of November 15, 22, 29, December 6, 13, 20, 2010.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and closed.

Week of November 15, 2010

There are no meetings scheduled for the week of November 15, 2010.

Week of November 22, 2010—Tentative

There are no meetings scheduled for the week of November 22, 2010.

Week of November 29, 2010—Tentative

Tuesday, November 30, 2010

1 p.m. Briefing on Security Issues (Closed—Ex. 1).

Week of December 6, 2010—Tentative

There are no meetings scheduled for the week of December 6, 2010.

Week of December 13, 2010—Tentative

Thursday, December 16, 2010

2 p.m. Briefing on Construction Reactor Oversight Program (cROP) (Public Meeting); (Contact: Aida Rivera-Varona, 301–415–4001).

This meeting will be webcast live at the Web address—*http://www.nrc.gov.*

Week of December 20, 2010—Tentative

Tuesday, December 21, 2010

9:30 a.m. Briefing on the Threat Environment Assessment (Closed—Ex. 1).

1 p.m. Briefing on Security Issues (Closed—Ex. 1).

* * * * *

*The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings, call (recording)—301–415–1292. Contact person for more information: Rochelle Bavol, 301–415–1651.

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/about-nrc/policy-making/schedule.html.*

* * * * *

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (e.g. braille, large print), please notify Angela Bolduc, Chief, Employee/Labor Relations and Work Life Branch, at 301–492–2230, TDD: 301–415–2100, or by e-mail at *angela.bolduc@nrc.gov.* Mail to: *dlc@nrc.gov.* Mail to: *aks@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

This notice is distributed electronically to subscribers. If you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301–415–1969), or send an e-mail to *darlene.wright@nrc.gov.*

Dated: November 10, 2010.

Rochelle C. Bavol,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2010–28957 Filed 11–12–10; 4:15 pm]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos (Redacted), License Nos (Redacted), EA (Redacted); NRC–2010–0351]

In the Matter of All Power Reactor Licensees and Research Reactor Licensees Who Transport Spent Nuclear Fuel; Order Modifying License (Effective Immediately)

I.

The licensees identified in Attachment 1 to this Order have been issued a specific license by the U.S. Nuclear Regulatory Commission (NRC or Commission) authorizing the possession of spent nuclear fuel and a general license authorizing the transportation of spent nuclear fuel [in a transportation package approved by the Commission] in accordance with the Atomic Energy Act of 1954, as amended, and Title 10 of the Code of Federal Regulations (CFR) parts 50 and 71. This Order is being issued to all such licensees who transport spent nuclear fuel. Commission regulations for the shipment of spent nuclear fuel at 10 CFR 73.37(a) require these licensees to maintain a physical protection system that meets the requirements contained in 10 CFR 73.37(b), (c), (d), and (e).

II.

On September 11, 2001, terrorists simultaneously attacked targets in New York, NY, and Washington, DC, utilizing large commercial aircraft as weapons. In response to the attacks and intelligence information subsequently obtained, the Commission issued a number of Safeguards and Threat Advisories to its licensees in order to strengthen licensees' capabilities and readiness to respond to a potential attack on a nuclear facility or regulated activity. The Commission has also communicated with other Federal, State and local government agencies and industry representatives to discuss and evaluate the current threat environment in order to assess the adequacy of security measures at licensed facilities. In addition, the Commission has been conducting a comprehensive review of its safeguards and security programs and requirements.

As a result of its consideration of current safeguards and security plan requirements, as well as a review of information provided by the intelligence community, the Commission has determined that certain additional security measures are required to be implemented by licensees as prudent, interim measures, to address the current threat environment in a consistent manner. Therefore, the Commission is imposing requirements, as set forth in Attachment 2 of this Order, on all licensees identified in Attachment 1 of this Order.[1] These additional security requirements, which supplement existing regulatory requirements, will provide the Commission with reasonable assurance that the common defense and security continue to be adequately protected in the current threat environment. These requirements will remain in effect until the Commission determines otherwise.

The Commission recognizes that licensees may have already initiated many of the measures set forth in Attachment 2 to this Order in response to previously issued Safeguards and Threat Advisories or on their own. It is also recognized that some measures may not be possible or necessary for all shipments of spent nuclear fuel, or may need to be tailored to accommodate the licensees' specific circumstances to achieve the intended objectives and avoid any unforeseen effect on the safe transport of spent nuclear fuel.

Although the additional security measures implemented by licensees in response to the Safeguards and Threat Advisories have been adequate to provide reasonable assurance of adequate protection of common defense and security, in light of the current threat environment, the Commission concludes that the security measures must be embodied in an Order consistent with the established regulatory framework. In order to provide assurance that licensees are implementing prudent measures to achieve a consistent level of protection to address the current threat environment, all licenses identified in Attachment 1 to this Order shall be modified to include the requirements identified in Attachment 2 to this Order. In addition, pursuant to 10 CFR 2.202, and in light of the common defense and security matters identified above which warrant the issuance of this Order, the Commission finds that the public health, safety, and interest require that this Order be immediately effective.

III.

Accordingly, pursuant to Sections 53, 103, 104, 161b, 161i, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR parts 50 and 71, *it is hereby ordered, effective immediately, that all licenses identified in Attachment 1 to this order are modified as follows:*

A. All licensees shall, notwithstanding the provisions of any Commission regulation or license to the contrary, comply with the requirements described in Attachment 2 to this Order except to the extent that a more stringent requirement is set forth in the licensee's security plan. The licensees shall immediately start implementation of the requirements in Attachment 2 to the Order and shall complete implementation by November 4, 2010, unless otherwise specified in Attachment 2, or before the first shipment after December 4, 2010, whichever is earlier.

B. 1. All licensees shall, within twenty (20) days of the date of this Order, notify the Commission, (1) If they are unable to comply with any of the requirements described in Attachment 2, (2) if compliance with any of the requirements is unnecessary in their specific circumstances, or (3) if implementation of any of the requirements would cause the licensee to be in violation of the provisions of any Commission regulation or the facility license. The notification shall provide the licensee's justification for seeking relief from or variation of any specific requirement.

2. Any licensee that considers that implementation of any of the requirements described in Attachment 2 to this Order would adversely impact the safe transport of spent fuel must notify the Commission, within twenty (20) days of this Order, of the adverse safety impact, the basis for its determination that the requirement has an adverse safety impact, and either a proposal for achieving the same objectives specified in the Attachment 2 requirement in question, or a schedule for modifying the activity to address the adverse safety condition. If neither approach is appropriate, the licensee must supplement its response to Condition B1 of this Order to identify the condition as a requirement with which it cannot comply, with attendant justifications as required in Condition B1.

C. 1. All licensees shall, within twenty (20) days of the date of this Order, submit to the Commission a schedule for achieving compliance with each requirement described in Attachment 2.

2. All licensees shall report to the Commission when they have achieved full compliance with the requirements described in Attachment 2.

D. Notwithstanding any provisions of the Commission's regulations to the contrary, all measures implemented or

[1] Attachments 1 and 2 contain SAFEGUARDS INFORMATION and will not be released to the public.

actions taken in response to this Order shall be maintained until the Commission determines otherwise.

Licensee responses to Conditions B1, B2, C1, and C2 above, shall be submitted to the NRC to the attention of the Director, Office of Nuclear Reactor Regulation under 10 CFR 50.4. In addition, licensee submittals that contain Safeguards Information shall be properly marked and handled in accordance with 10 CFR 73.21.

The Director, Office of Nuclear Reactor Regulation, may, in writing, relax or rescind any of the above conditions upon demonstration by the licensee of good cause.

IV.

In accordance with 10 CFR 2.202, the licensee must, and any other person adversely affected by this Order may, submit an answer to this Order, and may request a hearing on this Order, within twenty (20) days of the date of publication of this Order in the **Federal Register**. Where good cause is shown, consideration will be given to extending the time to answer or request a hearing. A request for extension of time in which to submit an answer or request a hearing must be made in writing to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and include a statement of good cause for the extension.

The answer may consent to this Order. If the answer, on the other hand, includes a request for hearing, it shall, in writing and under oath or affirmation, specifically set forth the matters of fact and law on which the licensee or other person adversely affected relies and the reasons as to why the Order should not have been issued. If a person other than the licensee requests a hearing, that person shall set forth with particularity the manner in which his/her interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.309(d).

Any answer or request for hearing, must be filed in accordance with the NRC E-Filing rule (72 FR 49139, August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least ten (10) days prior to the filing deadline, the participant should contact the Office of the Secretary by e-mail at *hearing.docket@nrc.gov,* or by telephone at (301) 415–1677, to request (1) a digital ID certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/apply-certificates.html.* System requirements for accessing the E-Submittal server are detailed in NRC's "Guidance for Electronic Submission," which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through EIE, users will be required to install a Web browser plug-in from the NRC Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an e-mail notice confirming receipt of the document. The E-Filing system also distributes an e-mail notice that provides access to the document to the NRC Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the agency's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the "Contact Us" link located on the NRC Web site at *http://www.nrc.gov/site-help/e-submittals.html*, by e-mail at *MSHD.Resource@nrc.gov,* or by a toll-free call at (866) 672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, *Attention:* Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, *Attention:* Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in NRC's electronic hearing docket which is available to the public at *http://ehd.nrc.gov/EHD_Proceeding/home.asp*, unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission. If a hearing is requested by the licensee or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

Pursuant to 10 CFR 2.202(c)(2)(i), the licensee may, in addition to demanding a hearing, at the time the answer is filed or sooner, move the presiding officer to set aside the immediate effectiveness of the Order on the ground that the Order, including the need for immediate effectiveness, is not based on adequate evidence but on mere suspicion, unfounded allegations, or error.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section III above shall be final twenty (20) days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section III shall be final when the extension expires if a hearing request has not been received.

An answer or a request for hearing shall not stay the immediate effectiveness of this order.

Dated at Rockville, Maryland, this 4th day of November, 2010.

For the Nuclear Regulatory Commission.

Eric J. Leeds,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 2010–28846 Filed11–15–10; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2010–0354]

Withdrawal of Regulatory Guide 1.39

AGENCY: Nuclear Regulatory Commission.

ACTION: Withdrawal of a Regulatory Guide: Regulatory Guide 1.39, "Housekeeping Requirements for Water-Cooled Nuclear Power Plants," dated September 1977.

FOR FURTHER INFORMATION CONTACT: Hector L. Rodriguez-Luccioni, Regulatory Guide Development Branch, Division of Engineering, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, *telephone:* 301–251–7685 or e-mail *Hector.Rodriguez-Luccioni@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is withdrawing Regulatory Guide 1.39, "Housekeeping Requirements for Water-Cooled Nuclear Power Plants," dated September 1977.

Regulatory Guide 1.39 endorsed the ANSI Standard N45.2.3–1973, "Housekeeping During the Construction Phase of Nuclear Power Plants." and provided a method acceptable to the NRC staff for complying with the pertinent quality assurance requirements of 10 CFR part 50, appendix B.

The current revisions of RG 1.28 and RG 1.33 adequately address the related Quality Assurance Program with the latest ANSI/ASME standard NQA–1, which conforms to the requirements of 10 CFR part 50, Appendix B, "Quality Assurance Program Criteria for Nuclear Power Plants and Fuel Reprocessing Plants."

II. Further Information

The withdrawal of Regulatory Guide 1.39 does not alter any prior or existing licensing commitments based on its use. The guidance provided in this regulatory guide is no longer necessary. Regulatory guides may be withdrawn when their guidance no longer provides useful information, or is superseded by technological, congressional actions, or other events.

Guides are revised for a variety of reasons and the withdrawal of a regulatory guide should be thought of as the final revision of the guide. Although a regulatory guide is withdrawn, current licensees may continue to use it, and withdrawal does not affect any existing licenses or agreements. Withdrawal means that the guide should not be used for future NRC licensing activities. Changes to existing licenses would be accomplished using other regulatory products.

Regulatory guides are available for inspection or downloading through the NRC's public Web site under "Regulatory Guides" in the NRC's Electronic Reading Room at *http://www.nrc.gov/reading-rm/doollectionsc-c.* Regulatory guides are also available for inspection at the NRC's Public Document Room (PDR), Room O–1 F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852–2738. The PDR's mailing address is US NRC PDR, Washington, DC 20555–0001. You can reach the staff by telephone at 301–415–4737 or 800–397–4209, by fax at 301–415–3548, and by e-mail to *pdr.resource@nrc.gov.*

Regulatory guides are not copyrighted, and NRC approval is not required to reproduce them.

Dated at Rockville, Maryland, November 5, 2010.

For the Nuclear Regulatory Commission.

John N. Ridgely,

Acting Chief, Regulatory Guide Development Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. 2010–28850 Filed 11–15–10; 8:45 am]

BILLING CODE 7590–01–P

PEACE CORPS

Proposed Information Collection Renewal

ACTION: 30-day notice of submission of information collection for approval from the Office of Management and Budget; Comment request.

SUMMARY: The Peace Corps has submitted an information collection request to the Office of Management and Budget (OMB) for extension under the provisions of the Paperwork Reduction Act of 1995. The information collection requests an extension, without change, of a currently approved information collection. This notice invites the public to comment on the renewal of the Peace Corps' Confidential Reference Form (OMB Control No. 0420–0006). Peace Corps invites comments on whether the proposed collection of information is necessary for proper performance of the functions of the Peace Corps, including whether the information will have practical use; the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the information to be collected; and, ways to minimize

the burden of the collection of information on those who are to respond, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

DATES: Comments regarding this collection must be received on or before December 16, 2010.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name/or OMB approval number and should be sent via e-mail to: *oira_submission@omb.eop.gov* or fax to: 202–395–3086. *Attention:* Desk Officer for Peace Corps.

FOR FURTHER INFORMATION CONTACT: Denora Miller, FOIA Officer, Peace Corps, 1111 20th Street, NW., Washington, DC 20526, (202) 692–1236, or e-mail at *pcfr@peacecorps.gov,* mail to: *ddunevant@peacecorps.gov.* Copies of available documents submitted to OMB may be obtained from Denora Miller.

SUPPLEMENTARY INFORMATION: Proposal to renew the following currently approved collection of information:

Title: Confidential Reference Form.

OMB Control Number: 0420–0006.

Type of Review: Extension, without change, currently approved collection.

Respondents: Volunteer applicants.

Respondents Obligation to Reply: Voluntary.

Burden to the Public:

a. *Estimated annual number of respondents:* 33,000.

b. *Estimated average time to respond:* 30 minutes.

c. *Estimated total annual burden hours:* 16,500 hours.

d. *Frequency of response:* One time.

e. *Estimated cost to respondents:* $0.00.

f. *Estimated number of applicants who submit references:* 13,400.

g. *Number of required references per applicant:* 3.

h. *Estimated number of references received:* 40,200.

i. *Estimated annual burden hours for references:* 20,100. (13,400 applicants ×3 references/30 minutes).

Needs and Uses: The form is an integral part of the screening and selection process conducted by the Office of Volunteer Recruitment and Selection. The purpose of this information collection is to assist in processing applicants for volunteer service in determining suitability of applicants.

Dated: November 10, 2010.

Garry W. Stanberry,

Deputy Associate Director, Management.

[FR Doc. 2010–28833 Filed 11–15–10; 8:45 am]

BILLING CODE P

PENSION BENEFIT GUARANTY CORPORATION

Proposed Submission of Information Collections for OMB Review; Comment Request; Multiemployer Plan Regulations

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of intention to request extension of OMB approval.

SUMMARY: The Pension Benefit Guaranty Corporation (PBGC) intends to request that the Office of Management and Budget (OMB) extend approval, under the Paperwork Reduction Act, of collections of information in PBGC's regulations on multiemployer plans under the Employee Retirement Income Security Act of 1974 (ERISA). This notice informs the public of PBGC's intent and solicits public comment on the collections of information.

DATES: Comments must be submitted by January 18, 2011.

ADDRESSES: Comments may be submitted by any of the following methods: Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the Web site instructions for submitting comments. E-mail: *paperwork.comments@pbgc.gov.* Fax: 202–326–4224. Mail or Hand Delivery: Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026.

PBGC will make all comments available on its Web site, *http://www.pbgc.gov.*

Copies of the collection of information may also be obtained without charge by writing to the Disclosure Division of the Office of the General Counsel of PBGC at the above address or by visiting the Disclosure Division or calling 202–326–4040 during normal business hours. (TTY and TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4040.) PBGC's regulations on multiemployer plans may be accessed on PBGC's Web site at *http://www.pbgc.gov.*

FOR FURTHER INFORMATION CONTACT: Donald McCabe, Attorney, or Catherine B. Klion, Manager, Regulatory and Policy Division, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026, 202–326–4024. (For TTY and TDD, call 800–877–8339 and request connection to 202–326–4024).

SUPPLEMENTARY INFORMATION: An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has approved and issued control numbers for the collections of information, described below, in PBGC's regulations relating to multiemployer plans (OMB approvals expire March 31, 2011 and April 30, 2011, as specified below). PBGC intends to request that OMB extend its approval of these collections of information for three years. PBGC is soliciting public comments to—

- Evaluate whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collections of information, including the validity of the methodologies and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collections of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Comments should identify the specific part number(s) of the regulation(s) they relate to.

The collections of information for which PBGC intends to request extension of OMB approval are as follows:

1. Termination of Multiemployer Plans (29 CFR Part 4041A) (OMB control number 1212–0020) (expires April 30, 2011)

Section 4041A(f)(2) of ERISA authorizes PBGC to prescribe reporting requirements for and other "rules and standards for the administration of" terminated multiemployer plans. Section 4041A(c) and (f)(1) of ERISA prohibit the payment by a mass-withdrawal-terminated plan of lump sums greater than $1,750 or of nonvested plan benefits unless authorized by PBGC.

The regulation requires the plan sponsor of a terminated plan to submit

a notice of termination to PBGC. It also requires the plan sponsor of a mass-withdrawal-terminated plan that is closing out to give notices to participants regarding the election of alternative forms of benefit distribution and, if the plan is not closing out, to obtain PBGC approval to pay lump sums greater than $1,750 or to pay nonvested plan benefits.

PBGC uses the information in a notice of termination to assess the likelihood that PBGC financial assistance will be needed. Plan participants and beneficiaries use the information on alternative forms of benefit to make personal financial decisions. PBGC uses the information in an application for approval to pay lump sums greater than $1,750 or to pay nonvested plan benefits to determine whether such payments should be permitted.

PBGC estimates that plan sponsors each year (1) submit notices of termination for 10 plans, (2) distribute election notices to participants in 5 of those plans, and (3) submit requests to pay benefits or benefit forms not otherwise permitted for 1 of those plans. The estimated annual burden of the collection of information is 19.2 hours and $16,363.

2. Extension of Special Withdrawal Liability Rules (29 CFR Part 4203) (OMB control number 1212–0023) (expires April 30, 2011)

Sections 4203(f) and 4208(e)(3) of ERISA allow PBGC to permit a multiemployer plan to adopt special rules for determining whether a withdrawal from the plan has occurred, subject to PBGC approval.

The regulation specifies the information that a plan that adopts special rules must submit to PBGC about the rules, the plan, and the industry in which the plan operates. PBGC uses the information to determine whether the rules are appropriate for the industry in which the plan functions and do not pose a significant risk to the insurance system.

PBGC estimates that at most 1 plan sponsor submits a request each year under this regulation. The estimated annual burden of the collection of information is 1 hour and $5,600.

3. Variances for Sale of Assets (29 CFR Part 4204) (OMB control number 1212–0021) (expires April 30, 2011)

If an employer's covered operations or contribution obligation under a plan ceases, the employer must generally pay withdrawal liability to the plan. Section 4204 of ERISA provides an exception, under certain conditions, where the cessation results from a sale of assets. Among other things, the buyer must furnish a bond or escrow, and the sale contract must provide for secondary liability of the seller.

The regulation establishes general variances (rules for avoiding the bond/escrow and sale-contract requirements) and authorizes plans to determine whether the variances apply in particular cases. It also allows buyers and sellers to request individual variances from PBGC. Plans and PBGC use the information to determine whether employers qualify for variances.

PBGC estimates that each year, 11 employers submit, and 11 plans respond to, variance requests under the regulation, and 1 employer submits a variance request to PBGC. The estimated annual burden of the collection of information is 2.75 hours and $5,513.

4. Reduction or Waiver of Complete Withdrawal Liability (29 CFR Part 4207) (OMB control number 1212–0044) (expires March 31, 2011)

Section 4207 of ERISA allows PBGC to provide for abatement of an employer's complete withdrawal liability, and for plan adoption of alternative abatement rules, where appropriate.

Under the regulation, an employer applies to a plan for an abatement determination, providing information the plan needs to determine whether withdrawal liability should be abated, and the plan notifies the employer of its determination. The employer may, pending plan action, furnish a bond or escrow instead of making withdrawal liability payments, and must notify the plan if it does so. When the plan then makes its determination, it must so notify the bonding or escrow agent.

The regulation also permits plans to adopt their own abatement rules and request PBGC approval. PBGC uses the information in such a request to determine whether the amendment should be approved.

PBGC estimates that each year, 100 employers submit, and 100 plans respond to, applications for abatement of complete withdrawal liability, and 1 plan sponsor requests approval of plan abatement rules from PBGC. The estimated annual burden of the collection of information is 25.5 hours and $35,000.

5. Reduction or Waiver of Partial Withdrawal Liability (29 CFR Part 4208) (OMB control number 1212–0039) (expires April 30, 2011)

Section 4208 of ERISA provides for abatement, in certain circumstances, of an employer's partial withdrawal liability and authorizes PBGC to issue additional partial withdrawal liability abatement rules.

Under the regulation, an employer applies to a plan for an abatement determination, providing information the plan needs to determine whether withdrawal liability should be abated, and the plan notifies the employer of its determination. The employer may, pending plan action, furnish a bond or escrow instead of making withdrawal liability payments, and must notify the plan if it does so. When the plan then makes its determination, it must so notify the bonding or escrow agent.

The regulation also permits plans to adopt their own abatement rules and request PBGC approval. PBGC uses the information in such a request to determine whether the amendment should be approved.

PBGC estimates that each year, 1,000 employers submit, and 1,000 plans respond to, applications for abatement of partial withdrawal liability and 1 plan sponsor requests approval of plan abatement rules from PBGC. The estimated annual burden of the collection of information is 250.5 hours and $350,000.

6. Allocating Unfunded Vested Benefits to Withdrawing Employers (29 CFR Part 4211) (OMB control number 1212–0035) (expires April 30, 2011)

Section 4211(c)(5)(A) of ERISA requires PBGC to prescribe how plans can, with PBGC approval, change the way they allocate unfunded vested benefits to withdrawing employers for purposes of calculating withdrawal liability.

The regulation prescribes the information that must be submitted to PBGC by a plan seeking such approval. PBGC uses the information to determine how the amendment changes the way the plan allocates unfunded vested benefits and how it will affect the risk of loss to plan participants and PBGC.

PBGC estimates that 10 plan sponsors submit approval requests each year under this regulation. The estimated annual burden of the collection of information is 20 hours.

7. Notice, Collection, and Redetermination of Withdrawal Liability (29 CFR Part 4219) (OMB control number 1212–0034) (expires April 30, 2011)

Section 4219(c)(1)(D) of ERISA requires that PBGC prescribe regulations for the allocation of a plan's total unfunded vested benefits in the event of a "mass withdrawal." ERISA section 4209(c) deals with an employer's liability for de minimis amounts if the

employer withdraws in a "substantial withdrawal."

The reporting requirements in the regulation give employers notice of a mass withdrawal or substantial withdrawal and advise them of their rights and liabilities. They also provide notice to PBGC so that it can monitor the plan, and they help PBGC assess the possible impact of a withdrawal event on participants and the multiemployer plan insurance program.

PBGC estimates that there are 3 mass withdrawals and 3 substantial withdrawals per year. The plan sponsor of a plan subject to a withdrawal covered by the regulation provides notices of the withdrawal to PBGC and to employers covered by the plan, liability assessments to the employers, and a certification to PBGC that assessments have been made. (For a mass withdrawal, there are 2 assessments and 2 certifications that deal with 2 different types of liability. For a substantial withdrawal, there is 1 assessment and 1 certification (combined with the withdrawal notice to PBGC).) The estimated annual burden of the collection of information is 12 hours and $27,284.

8. Procedures for PBGC Approval of Plan Amendments (29 CFR Part 4220) (OMB control number 1212–0031) (expires April 30, 2011)

Under section 4220 of ERISA, a plan may within certain limits adopt special plan rules regarding when a withdrawal from the plan occurs and how the withdrawing employer's withdrawal liability is determined. Any such special rule is effective only if, within 90 days after receiving notice and a copy of the rule, PBGC either approves or fails to disapprove the rule.

The regulation provides rules for requesting PBGC's approval of an amendment. PBGC needs the required information to identify the plan, evaluate the risk of loss, if any, posed by the plan amendment, and determine whether to approve or disapprove the amendment.

PBGC estimates that at most 1 plan sponsor submits an approval request per year under this regulation. The estimated annual burden of the collection of information is 0.5 hours.

9. Mergers and Transfers Between Multiemployer Plans (29 CFR Part 4231) (OMB control number 1212–0022) (expires April 30, 2011)

Section 4231(a) and (b) of ERISA requires plans that are involved in a merger or transfer to give PBGC 120 days' notice of the transaction and provides that if PBGC determines that specified requirements are satisfied, the transaction will be deemed not to be in violation of ERISA section 406(a) or (b)(2) (dealing with prohibited transactions).

This regulation sets forth the procedures for giving notice of a merger or transfer under section 4231 and for requesting a determination that a transaction complies with section 4231.

PBGC uses information submitted by plan sponsors under the regulation to determine whether mergers and transfers conform to the requirements of ERISA section 4231 and the regulation.

PBGC estimates that there are 20 transactions each year for which plan sponsors submit notices and approval requests under this regulation. The estimated annual burden of the collection of information is 5 hours and $6,700.

10. Notice of Insolvency (29 CFR Part 4245) (OMB Control Number 1212–0033) (Expires April 30, 2011)

If the plan sponsor of a plan in reorganization under ERISA section 4241 determines that the plan may become insolvent, ERISA section 4245(e) requires the plan sponsor to give a "notice of insolvency" to PBGC, contributing employers, and plan participants and their unions in accordance with PBGC rules.

For each insolvency year under ERISA section 4245(b)(4), ERISA section 4245(e) also requires the plan sponsor to give a "notice of insolvency benefit level" to the same parties.

This regulation establishes the procedure for giving these notices. PBGC uses the information submitted to estimate cash needs for financial assistance to troubled plans. Employers and unions use the information to decide whether additional plan contributions will be made to avoid the insolvency and consequent benefit suspensions. Plan participants and beneficiaries use the information in personal financial decisions.

PBGC estimates that at most 1 plan sponsor of an ongoing plan gives notices each year under this regulation. The estimated annual burden of the collection of information is 1 hour and $2,693.

11. Duties of Plan Sponsor Following Mass Withdrawal (29 CFR Part 4281) (OMB Control Number 1212–0032) (Expires April 30, 2011)

Section 4281 of ERISA provides rules for plans that have terminated by mass withdrawal. Under section 4281, if nonforfeitable benefits exceed plan assets, the plan sponsor must amend the plan to reduce benefits. If the plan nevertheless becomes insolvent, the plan sponsor must suspend certain benefits that cannot be paid. If available resources are inadequate to pay guaranteed benefits, the plan sponsor must request financial assistance from PBGC.

The regulation requires a plan sponsor to give notices of benefit reduction, notices of insolvency and annual updates, and notices of insolvency benefit level to PBGC and to participants and beneficiaries and, if necessary, to apply to PBGC for financial assistance.

PBGC uses the information it receives to make determinations required by ERISA, to identify and estimate the cash needed for financial assistance to terminated plans, and to verify the appropriateness of financial assistance payments. Plan participants and beneficiaries use the information to make personal financial decisions.

PBGC estimates that plan sponsors of terminated plans each year give benefit reduction notices for 3 plans and give notices of insolvency benefit level and annual updates, and submit requests for financial assistance, for 54 plans. Of those 54 plans, PBGC estimates that plan sponsors each year will submit 255 requests (ranging from monthly to annual) for financial assistance. PBGC estimates that plan sponsors each year give notices of insolvency for 7 plans. The estimated annual burden of the collection of information is 1 hour and $681,100.

Issued in Washington, DC, November 8, 2010.

John H. Hanley,

Director, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation.

[FR Doc. 2010–28692 Filed 11–15–10; 8:45 am]

BILLING CODE 7709–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–621]

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Electronic Data Collection System

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") is soliciting comments

on the new collection of information summarized below. The Commission plans to submit this new collection of information to the Office of Management and Budget for approval.

The Securities and Exchange Commission has begun the design of a new Electronic Data Collection System database (the Database) and invites comment on the Database that will support information provided by the general public that would like to file a tip or complaint with the SEC. The Database will be a web based e-filed dynamic report based on technology that pre-populates and establishes a series of questions based on the data that the individual enters. The individual will then complete specific information on the subject(s) and nature of the suspicious activity, using the data elements appropriate to the type of complaint or subject. The information collection is voluntary. The first phase of the Database is scheduled to be released as a pilot in December 2010. Any public suggestions that are received during the pilot phase will be reviewed and changes will be considered. The final version will be available Spring 2011. There are no costs associated with this collection. It will be available using the agency's Web site *http://www.sec.gov.* Information is voluntary.

Estimated number of annual responses = 25,000.

Estimated annual reporting burden = 12,500 hours (30 minutes per submission).

Written comments are invited on: (a) Whether this collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 30 days of this publication.

Background documentation for this new information collection may be viewed at the following Web site, *http://www.reginfo.gov.* Please direct general comments to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503 or send an e-mail to Shagufta Ahmed at *Shagufta_Ahmed@omb.eop.gov;* Thomas Bayer, Director/CIO, Securities and Exchange Commission, C/O Remi Pavlik-Simon, 6432 General Green Way, Alexandria, VA 22312; or send an e-mail to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

November 5, 2010.

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–28777 Filed 11–15–10; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold a Closed Meeting on Thursday, November 18, 2010 at 3 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), 9(B) and (10) and 17 CFR 200.402(a)(3), (5), (7), 9(ii) and (10), permit consideration of the scheduled matters at the Closed Meeting.

Commissioner Aguilar, as duty officer, voted to consider the items listed for the Closed Meeting in a closed session, and determined that no earlier notice thereof was possible.

The subject matter of the Closed Meeting scheduled for Thursday, November 18, 2010 will be:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

Consideration of amicus participation; and other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary at (202) 551–5400.

November 10, 2010.

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2010–28924 Filed 11–12–10; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold its annual forum on small business capital formation on November 18, 2010 beginning at 9 a.m.

The forum will include a panel discussion focusing on selected provisions of the Dodd-Frank Wall Street Reform and Consumer Protection Act relating to securities regulation and small business and presentations by private organizations concerned with small business capital formation.

The panel discussion and presentations will take place in the Auditorium of the Commission's headquarters at 100 F Street, NE., Washington, DC and will be open to the public with seating on a first-come, first-served basis. Doors will open at 8:30 a.m. Visitors will be subject to security checks.

For further information, please contact Anthony Barone at 202–551–3261.

November 10, 2010.

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2010–28865 Filed 11–12–10; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–63275; File No. SR–NYSEArca–2010–100]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending the Applicable Sections of Its Schedules of Fees and Charges for Exchange Services for Both Its Equities and Options Platforms (the "Schedules") To Reflect Fees Charged for Co-location Services

November 8, 2010.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the "Act") [2] and Rule 19b–4 thereunder,[3]

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

notice is hereby given that, on November 3, 2010, NYSE Arca, Inc. (the "Exchange" or "NYSE Arca") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the applicable sections of its Schedules of Fees and Charges for Exchange Services for both its equities and options platforms (the "Schedules") to reflect fees charged for co-location services as described more fully herein. The text of the proposed rule change is available at the Exchange, the Commission's Public Reference Room, on the Commission's Web site at *http://www.sec.gov*, and *http://www.nyse.com*.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Schedules to identify fees pertaining to co-location services, which allow Users [4] of the Exchange to rent space on premises controlled by the Exchange in order that they may locate their electronic servers in close physical proximity to the Exchange's trading and execution systems.[5] The Exchange plans to offer these co-location services beginning in January 2011 at its data center in Mahwah, New Jersey.[6] The Exchange will offer space at the data center in cabinets with power usage capability of either four or eight kilowatts (kW).[7] In addition, the Exchange will offer Users services related to co-location, including cross connections, equipment and cable installation, and remote "hot-hands" services.

Users that receive co-location services from the Exchange will not receive any means of access to the Exchange's trading and execution systems that is separate from or superior to that of Users that do not receive co-location services. All orders sent to the Exchange enter the Exchange's trading and execution systems through the same order gateway regardless of whether the sender is co-located in the Exchange's data center or not. In addition, co-located Users do not receive any market data or data service product that is not available to all Users. However, Users that receive co-location services normally would expect reduced latencies in sending orders to the Exchange and receiving market data from the Exchange. In addition, co-located Users have the option of obtaining access to the Exchange's Liquidity Center Network ("LCN"), a local area network available in the data center.[8] Co-located Users have the option of using either the LCN or the Exchange's Secure Financial Transaction Infrastructure ("SFTI") network, to which all Users have access. Because it operates as a local area network within the data center, the LCN provides reduced latencies in comparison with SFTI. Other than the reduced latencies, the Exchange believes that there are no material differences in terms of access to the Exchange between Users that choose to co-locate and those that do not. SFTI and LCN both provide Users with access to the Exchange's trading and execution systems and to the Exchange's proprietary market data products. User access to non-proprietary market data products is available through SFTI and not through LCN.

The Exchange offers co-location space based on availability and the Exchange believes that it has sufficient space in the Mahwah data center to accommodate current demand on an equitable basis for the foreseeable future. In addition, the Exchange believes that any difference among the positions of the cabinets within the data center does not create any material difference to co-location Users in terms of access to the Exchange.

The following charts identify the proposed tiered fees for co-location and the proposed fees for related services.

Initial fee per cabinet	$5,000
Number of kWs	Per kW fee monthly
4–8	$1,200
12-20	$1,050
24-40	$950
44 +	$900

[4] For the purposes of this filing, the term "Users" includes any ETP Holder or Sponsored Participant who is authorized to obtain access to the NYSE Arca Marketplace pursuant to NYSE Arca Equities Rule 7.29 (*see* NYSE Arca Equities Rule 1.1(yy)), or any OTP Holder, OTP Firm or Sponsored Participant that is authorized to obtain access to OX pursuant to NYSE Arca Options Rule 6.2A (*see* NYSE Arca Options Rule 6.1A(a)(19)).

[5] The Commission has approved proposed rule filings submitted by the Exchange's affiliates, the New York Stock Exchange LLC, and NYSE Amex LLC (with respect to its equities business), to offer the same co-location services from the Mahwah data center at the same prices. See Securities Exchange Act Release No. 62961 (September 21, 2010), 75 FR 59299 (September 27, 2010) (SR–NYSE–2010–56); Securities Exchange Act Release No. 62960 (September 21, 2010) 75 FR 59310 (September 27, 2010) (SR–NYSEAmex–2010–80).

[6] The Exchange will announce the effective date of the fees set forth in this proposed rule change through a notice to Users.

[7] The Exchange also allows Users, for a monthly fee (*i.e.,* 40% of the applicable monthly per kW fee), to obtain an option for future use on available, unused cabinet space in proximity to their existing cabinet space. Specifically, Users may reserve cabinet space of up to 30% of the cabinet space under contract, which the Exchange will endeavor to provide as close as reasonably possible to the User's existing cabinet space, taking into consideration power availability within segments of the data center and the overall efficiency of use of data center resources as determined by the Exchange. (If the 30% measurement results in a fractional cabinet, the cabinet count is adjusted up to the next increment.) If reserved cabinet space becomes needed for use, the reserving User will have 30 business days to formally contract with the Exchange for full payment for the reserved cabinet space needed or the space will be reassigned.

[8] As set forth below, pricing for LCN access is provided on a stand-alone basis and on a bundled basis in combination with SFTI connections and optic connections to outside access centers and within the data center. The SFTI and optic connections are not related to the co-location services.

Type of service	Description	Amount of charge
LCN Access	1 GB Circuit	$6,000 per connection initial charge plus $5,000 monthly per connection.
LCN Access	10 GB Circuit	$10,000 per connection.
Bundled Network Access, Option 1 (2 LCN connections, 2 SFTI connections, and 2 optic connections to outside access center).	1 GB Bundle	$25,000 initial charge plus $13,000 monthly charge.
	10 GB Bundle	$50,000 initial charge plus $47,000 monthly charge.
Bundled Network Access, Option 2 (2 LCN connections, 2 SFTI connections, 1 optic connection to outside access center, and 1 optic connection in data center).	1 GB Bundle	$26,000 initial charge plus $16,000 monthly charge.
	10 GB Bundle	$50,000 initial charge plus $54,250 monthly charge.
Bundled Network Access, Option 3 (2 LCN Connections, 2 SFTI connections, and 2 optic connections in data center).	1 GB Bundle	$27,500 initial charge plus $19,000 monthly charge.
	10 GB Bundle	$50,000 initial charge plus $61,500 monthly charge.
Data Center Fiber Cross Connect	Cross connect between a single User's cabinets within the data center.	$500 per unit initial charge plus $500 monthly per unit.
Initial Install Services (Required per cabinet)	Includes initial racking of equipment in cabinet and provision of up to 10 cables (4 hrs).	$800 per cabinet.
Hot Hands Service: Normal Business Hours, Scheduled (Note: Hot Hands Service allows Users to use on-site data center personnel to maintain User equipment.).	Applies on non-NYSE Arca holidays, Monday to Friday, 9am to 5pm if scheduled at least 1 day in advance.	$200 per hour.
Hot Hands Service: Extended Business Hours, Scheduled	Applies Monday to Friday 5pm to 9am, NYSE Arca holidays, and weekends if scheduled at least 1 day in advance.	$275 per hour.
Hot Hands Service: Normal Business Hours, Expedited	Applies on non-NYSE Arca holidays, Monday to Friday, 9am to 5pm if NOT scheduled at least 1 day in advance.	$250 per hour.
Hot Hands Service: Extended Business Hours, Expedited	Applies Monday to Friday 5pm to 9am, NYSE Arca holidays, and weekends if NOT scheduled at least 1 day in advance.	$325 per hour.
Rack and Stack	Installation of one server in User's cabinet. Service encompasses handling, unpacking, tagging, and installation of the server as well as 1 network connection within the User rack.	$200 per server.
Power Recycling	Reboot of power on one server or switch as well as observing and reporting on the status of the reboot back to the User.	$50 per reset.
Shipping and Receiving	Receipt of one shipment of goods at data center from User/supplier. Includes coordination of shipping and receiving.	$100 per shipment.
Badge Request	Request for provision of a permanent data center site access badge for a User representative.	$50 per badge.
External Cabinet Cable Tray	Engineer, furnish and install Rittal 5′H x 12′W cable tray on cabinet.	$400 per tray.
Custom External Cabinet Cable Tray	Engineer, furnish and install 4″ H x 24″ W custom basket cable tray above client's cabinet rows.	$100 per linear foot.
Install and Document Cable	Labor charges to install and document the fitting of a cable(s) in a User's cabinet(s) in excess of the 10 copper cables included in the cabinet installation fee.	$200 per hour.
Equipment Maintenance Call Escalation	Hardware maintenance-break fix services available through NYSE Arca arrangement with Delta Computer Group.	$100 per call.
Visitor Security Escort	NYSE Arca employee escort, which is required during User visits to the data center. (Note: all User representatives are required to have a visitor security escort during visits to the data center, including User representatives who have a permanent data center site access badge.).	$75 per hour.
Technician Support Service-Non Emergency	Network technician equipped to support User network troubleshooting activity and to provide all necessary testing instruments to support the User request. Prior day notice is required.	$200 per hour.

Type of service	Description	Amount of charge
Technician Support Service-Emergency	Network technician equipped to support User network troubleshooting activity and to provide all necessary testing instruments to support the User request. Two hour notice is required.	$325 per hour.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Securities Exchange Act of 1934 (the "Act"),[9] in general, and Sections 6(b)(4) and 6(b)(5), of the Act,[10] in particular, in that it is designed to (i) provide for the equitable allocation of reasonable dues, fees, and other charges among its members and other persons using its facilities, and (ii) prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanisms of a free and open market and a national market system. The Exchange believes that the proposed changes to the Schedules are equitable in that they apply fees for comparable co-location services uniformly to our Users. Moreover, the Exchange believes that, as described herein, access to its market is offered on fair and non-discriminatory terms.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[11] and Rule 19b–4(f)(6) thereunder.[12] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.

The Exchange has requested that the Commission waive the 30-day operative delay. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. The Commission notes that the co-location fees sought to be codified here are based on filings by the Exchange's affiliates, the New York Stock Exchange LLC and NYSE Amex LLC, which have already been approved by the Commission, and that accelerated approval of the co-location fees will ensure that the co-location services and fees are made available to all interested parties without delay. For this reason, the Commission designates the proposed rule change as operative upon filing.[13]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca-2010–100 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2010–100. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2010–100 and should be submitted on or before December 7, 2010.

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(4) and 15 U.S.C. 78f(b)(5).

[11] 15 U.S.C. 78s(b)(3)(A)(iii).

[12] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Commission notes that the Exchange satisfied this five-day pre-filing requirement.

[13] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–28691 Filed 11–15–10; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–63284; File No. SR–EDGX–2010–15]

Self-Regulatory Organizations; EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend EDGX Rules 2.5 and 11.4 To Permit Qualification and Registration of Authorized Traders of Members Pursuant to Certain Foreign Examination Modules Equivalent to the Series 7 Examination

November 9, 2010.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on October 27, 2010, the EDGX Exchange, Inc. (the "Exchange" or the "EDGX") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rules 2.5 and 11.4 to permit qualification and registration of Authorized Traders of Members pursuant to certain foreign examination modules equivalent to the Series 7 examination. The Exchange also proposes to make a technical amendment to Rule 2.3. The text of the proposed rule change is available on the Exchange's Web site at *http://www.directedge.com,* at the Commission's Web site at *http://www.sec.gov,* at the Exchange's principal office, and at the Public Reference Room of the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Exchange Rules 2.5 and 11.4 both state that the Series 7 is required for registration with the Exchange as an Authorized Trader. The purpose of the proposed rule change is to expand the types of exams that may satisfy the Exchange's Series 7 requirement by recognizing foreign examination modules equivalent to the Series 7 examination.

The proposal would reduce duplicative qualification standards that foreign registered representatives encounter to qualify as a U.S. general securities registered representative. For example, the examination modules for the U.K. (Series 17) and Canada (Series 37/38) currently are accepted as equivalent to the U.S. Series 7 by the NYSE, the Financial Industry Regulatory Authority ("FINRA"), the NASDAQ Stock Market, NYSE AlterNext US [sic], NYSE Arca, the Chicago Board Options Exchange ("CBOE"), and the BATS Exchange, Inc. ("BATS").[3]

The Series 17 version, the United Kingdom—Limited General Securities Registered Representative Examination, is for U.K. registrants who have successfully completed the basic exam of the U.K. and who are in good standing with the Financial Services Authority ("FSA"). Essentially, this modified Series 7 examination deletes those substantive sections of the standard Series 7 that overlap with the FSA examination. The Series 17 is a 100 question examination, is 120 minutes in duration, and deals with U.S. securities laws, regulations, sales practices and special products drawn from the standard Series 7 examination.

The Series 37 version is for Canadian registrants who have successfully completed the basic core module of the CSI Global Education ("CSI", formerly the Canadian Securities Institute) program. The Series 38 version is for Canadian registrants who, in addition to having successfully completed the basic core module of the CSI program, have also successfully completed the Canadian option and futures program. Both the Series 37 and 38 share topics and test questions with the parent Series 7 program but cover only subject matter that is not covered, or not covered in sufficient detail, on the Canadian qualification examination. The Series 37 has 90 questions and is 150 minutes in duration, while the Series 38, an abbreviated version of the series 37, has only 45 questions and is 75 minutes in duration. Forty-five questions pertaining to options from the series 37 were omitted from the Series 38.

The Exchange wishes to give U.K. and Canadian registered representatives the same advantage they have at other exchanges by eliminating duplicative examinations. The Exchange believes that acceptance of these examinations will benefit both the Exchange and the foreign representatives affected by the proposal. Accordingly, pursuant to the amended rules, as proposed, the Exchange would approve the examination modules for the U.K. (Series 17) and Canada (Series 37/38) as equivalent foreign examination modules.[4] The Exchange has added Interpretation .05 to Rule 2.5 to define

[14] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See, e.g.,* Securities Exchange Act Release No. 27967 (May 1, 1990), 55 FR 19124 (May 8, 1990) (approving File No. SR–NYSE–89–22, Series 17); Securities Exchange Act Release No. 36629, International Series Release No. 909 (Dec. 21, 1995), 60 FR 67385, corrected, Securities Exchange Act Release No. 36629A, International Series Release No. 909A (Jan. 4, 1996), 61 FR 744 (Jan. 10, 1996) (approving File No. SR–NYSE–95–29, Series 37 and Series 38); Securities Exchange Act Release No. 36825 (Feb. 9, 1996), 61 FR 6052 (approving File No. SR–NASD–96–04, Series 37 and 38); Securities Exchange Act Release No. 38274 (February 12, 1997), 62 FR 7485 (approving File No. SR–CBOE–97–04, Series 17, 37 and 38); Securities Exchange Act Release No. 38921 (August 11, 1997), 62 FR 44023 (approving File No. SR–AMEX–97–26, Series 17, 37 and 38); *see also* NASD Rule 1032(a)(2)(B) and (C); NASDAQ Rule 1032(a)(2)(B) and (C); Securities Exchange Act Release No. 59292 (January 23, 2009), 74 FR 5690 (January 30, 2009) (approving File No. SR–BATS–2009–003).

[4] The Exchange notes that the U.K. (Series 17) and Canada (Series 37/38) represent foreign examination modules that allow persons in good standing with the securities regulators of their respective countries to qualify as general securities registered representatives (equivalent to Series 7 registrants) by successfully completing certain modified general securities representative examinations which were developed, along with others for other foreign jurisdictions, by the New York Stock Exchange ("NYSE") more than 10 years ago.

what it means to have passed an equivalent foreign examination module.

Technical Amendment to Rule 2.3(c)

The Exchange proposes to amend Rule 2.3 to clarify that all Authorized Traders who are to function as Principals on the Exchange shall be registered as Principals with the Exchange consistent with paragraph (e) of Rule 2.3, which requires that there be at least one such Principal registered.

2. Statutory Basis

The statutory basis for the Exchange's acceptance of these foreign examination modules lies in Section 6(c)(3)(B) of the Act.[5] Under that section, it is the Exchange's responsibility to prescribe standards of training, experience, and competence for persons associated with Exchange Members. Pursuant to this statutory obligation, the Exchange has adopted examinations that are administered by other self-regulatory organizations to establish that Authorized Traders of Exchange Members have attained specified levels of competence and knowledge.

The rule change proposed in this submission is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b) of the Act.[6] Specifically, the proposed change is consistent with Section 6(b)(5) of the Act,[7] because it would promote just and equitable principles of trade, remove impediments to, and perfect the mechanism of, a free and open market and a national market system, and, in general, protect investors and the public interest, by helping foreign representatives to qualify for registration with the Exchange by reducing duplicative qualification requirements. Accordingly, the modifications to EDGX Rules 2.5 and 11.4 promote just and equitable principles of trade, remove impediments to, and perfect the mechanism of, a free and open market and a national market system.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change is effective upon filing pursuant to Section 19(b)(3)(A) of the Act and paragraph (f)(6) of Rule 19b–4 thereunder, in that the proposed rule change: (i) Does not significantly affect the protection of investors or the public interest; (ii) does not impose any significant burden on competition; and (iii) does not become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest; provided the self-regulatory organization has given the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

The Exchange has requested that the Commission waive the 30-day operative delay. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, as it will allow the Exchange to recognize proficiency examinations already currently recognized by other self-regulatory organizations. The Exchange has noted that foreign representatives who have passed foreign examination modules equivalent to the Series 7 examination, are registered with other self-regulatory organizations, and wish to register with EDGX would be disadvantaged by having to wait for the proposed rule changes to become operative. Accordingly, the Commission designates the proposed rule change operative upon filing with the Commission.[8]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File No. SR–EDGX–2010–15 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File No. SR–EDGX–2010–15. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of EDGX. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR–EDGX–2010–15 and should be

[5] 15 U.S.C. 78f(c)(3)(B).

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] For the purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78(c)(f).

submitted on or before December 7, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–28748 Filed 11–15–10; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–63288; File No. SR–NYSEArca–2010–102]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by NYSE Arca, Inc. Making a Technical Amendment to Its Rules To Insert the Specific Date for the Additional Expiration Months Pilot Program

November 9, 2010.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] notice is hereby given that, on November 8, 2010, NYSE Arca, Inc. (the "Exchange" or "NYSE Arca") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to make technical amendments to its rules to insert the specific date for a pilot program. The text of the proposed rule change is available at the Exchange's principal office, on the Commission's Web site at *http://www.sec.gov,* at the Commission's Public Reference Room, and *http://www.nyse.com.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to make a technical amendment to its rules to insert a specific date for a pilot program.

The Exchange recently adopted rules to establish a pilot program that would permit the Exchange to list up to an additional two expiration months, for a total of six expiration months for each class of options open for trading on the Exchange.[3] This rule change proposes to amend the text of Commentary .09 to Rule 6.4 to insert the specific conclusion date of the pilot program, which is October 31, 2011.[4]

2. Statutory Basis

The Exchange believes that this proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 ("Act"),[5] in general, and furthers the objectives of Section 6(b)(5) of the Act[6] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. In particular, the proposed rule change seeks to update rule text to insert specific dates for a pilot program in a manner that is consistent with the pilot program as originally proposed.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change is effective upon filing pursuant to Section 19(b)(3)(A) of the Act[7] and Rule 19b–4(f)(1) thereunder.[8] The Exchange designates the proposed rule change as an interpretation with respect to the meaning, administration, or enforcement of an existing rule.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2010–102 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2010–102. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule

[9] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 63133 (October 19, 2010), 75 FR 65545 (October 25, 2010) (Notice of Filing and Immediate Effectiveness of SR–NYSEArca–2010–93).

[4] Existing rule text, which became effective and operative immediately upon filing on October 18, 2010, indicates that the Exchange will insert the date 12 months from the next full month from approval. *Id.*

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f)(1).

change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2010–102 and should be submitted on or before December 7, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–28829 Filed 11–15–10; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISION

[Release No. 34–63293; File No. SR–OCC–2010–16]

Self-Regulatory Organizations; The Options Clearing Corporation; Order Approving Proposed Rule Change Relating to Weekly Options And Monthly Options

November 9, 2010.

I. Introduction

On September 15, 2010, The Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission proposed rule change SR–OCC–2010–16 pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder.[2] The proposed rule change will accommodate options that expire on (a) any Friday of a calendar month other than the third Friday of a calendar month ("Weekly Options") or (b) on the last trading day of a calendar month ("Monthly Options"). The proposed rule change was published for comment in the **Federal Register** on September 28, 2010.[3] No comment letters were received on the proposal. This order approves the proposal.

II. Description of the Proposal

The purpose of the proposed rule change is to allow OCC to clear and to settle the Weekly Options and Monthly Options on broad-based indexes ("Weekly Index Options" and "Monthly Index Options," respectively) that were recently approved by the Commission for listing on a pilot program basis on the Chicago Board Options Exchange, Incorporated, ("CBOE").[4] Series of Weekly Index Options will expire on a Friday of a calendar month other than the third Friday, and Monthly Index Options will expire on the last trading day of a calendar month. If the last trading day of the month is a Friday, CBOE would opt to list Monthly Index Options over Weekly Index Options. Weekly Index Options and Monthly Index Options will be European-style, P.M.-settled contracts. These contracts will be subject to "automatic exercise procedures," which means that these contracts will automatically be exercised at expiration if immediately prior to expiration the contract's settlement amount equals or exceeds a predetermined amount without the opportunity for the clearing member to submit contrary exercise instructions.

Weekly Options and Monthly Options proposed by CBOE can be cleared and settled by OCC with relatively minor revisions to OCC's current By-Laws and Rules to provide for options that expire on a monthly or weekly schedule.[5] In particular, OCC will amend Article I, Section 1 of its By-Laws to include definitions covering Weekly and Monthly Options. Rule 801, which relates to the submission of exercise notices, will be changed to permit a Weekly or Monthly Option to be exercised on the business day before the expiration date and to include Weekly Index Options and Monthly Index Options in the listing of options series subject to automatic exercise. Interpretation and Policy .03 to Rule 805, which relates to expiration date exercise processing, will be amended to permit OCC to specify time frames for submitting exercise instructions and furnishing reports with respect to Weekly and Monthly Options on equity interests that are different than those time frames in effect for conventional options.[6] A conforming change to Rule 1804, which supplements Rule 805, also will be made to add Weekly Index Options and Monthly Index Options to the list of options series subject to automatic exercise.

III. Discussion

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to DTC. In particular, the Commission believes the proposal is consistent with Section 17A(b)(3)(F) of the Act,[7] which requires that the rules of a registered clearing agency are designed to, among other things, remove impediments to the perfection of the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions. By expanding its clearance and settlement services to Weekly Index Options and Monthly Index Options while using substantially the same rules and procedures that it applies to transactions in other options with a nonconventional expiry date, such as Quarterly Index Options, OCC will enable its members to avail themselves of OCC's automated and time-proven clearance and settlement services for such options, which should help OCC to further remove impediments to and perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions.

IV. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Act and in particular Section 17A of the Act[8] and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[9] that the proposed rule change (File No. SR–

[9] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 62942 (Sept. 20, 2010), 75 FR 59779.

[4] Securities Exchange Act Release No. 62911 (Sept. 14, 2010), 75 FR 57539 (Sept. 21, 2010).

[5] OCC's By-laws and Rules already accommodate equity and index options that expire on a day other than a Saturday following the third Friday of the month. For example, they accommodate quarterly options, which expire on the last business day of a calendar quarter, and short term options, which expire a week after their introduction for trading. Quarterly index options and short term index options are also subject to automatic exercise procedures.

[6] Interpretation .03 will also be amended to clarify that it covers equity options with non-conventional expiration dates as opposed to index options with nonconventional expiration dates, which are subject to automatic exercise as described in Rule 1804.

[7] 15 U.S.C. 78q–1(b)(3)(F).

[8] 15 U.S.C. 78q–1.

[9] 15 U.S.C. 78s(b)(2).

OCC–2010–16) be and hereby is approved.[10]

For the Commission by the Division of Trading and Markets, pursuant to delegated authority.[11]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–28830 Filed 11–15–10; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–63287; File No. SR–NYSEAmex–2010–105]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by NYSE Amex LLC Making a Technical Amendment to Its Rules to Insert the Specific Date for the Additional Expiration Months Pilot Program

November 9, 2010.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] notice is hereby given that, on November 8, 2010, NYSE Amex LLC (the "Exchange" or "NYSE Amex") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to make a technical amendment to its rules to insert the specific date for a pilot program. The text of the proposed rule change is available at the Exchange's principal office, on the Commission's Web site at *http://www.sec.gov*, at the Commission's Public Reference Room, and *http://www.nyse.com.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to make a technical amendment to its rules to insert a specific date for a pilot program.

The Exchange recently adopted rules to establish a pilot program that would permit the Exchange to list up to an additional two expiration months, for a total of six expiration months for each class of options open for trading on the Exchange.[3] This rule change proposes to amend the text of Commentary .11 to Rule 903 to insert the specific conclusion date of the pilot program, which is October 31, 2011.[4]

2. Statutory Basis

The Exchange believes that this proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 ("Act"),[5] in general, and furthers the objectives of Section 6(b)(5) of the Act[6] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. In particular, the proposed rule change seeks to update rule text to insert specific dates for a pilot program in a manner that is consistent with the pilot program as originally proposed.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change is effective upon filing pursuant to Section 19(b)(3)(A) of the Act[7] and Rule 19b–4(f)(1) thereunder.[8] The Exchange designates the proposed rule change as an interpretation with respect to the meaning, administration, or enforcement of an existing rule.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–NYSEAmex–2010–105 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEAmex–2010–105. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule

[10] In approving the proposed rule change, the Commission considered the proposal's impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

[11] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 63170 (October 25, 2010), 75 FR 66818 (October 29, 2010) (Notice of Filing and Immediate Effectiveness of SR–NYSEAmex–2010–99).

[4] Existing rule text, which became effective and operative immediately upon filing on October 22, 2010, indicates that the Exchange will insert the date 12 months from the next full month from approval. *Id.*

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f)(1).

change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEAmex–2010–105 and should be submitted on or before December 7, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–28778 Filed 11–15–10; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–63286; File No. SR–EDGA–2010–16]

Self-Regulatory Organizations; EDGA Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend EDGA Rules 2.5 and 11.4 To Permit Qualification and Registration of Authorized Traders of Members Pursuant to Certain Foreign Examination Modules Equivalent to the Series 7 Examination

November 9, 2010.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on October 27, 2010, the EDGA Exchange, Inc. (the "Exchange" or the "EDGA") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rules 2.5 and 11.4 to permit qualification and registration of Authorized Traders of Members pursuant to certain foreign examination modules equivalent to the Series 7 examination. The Exchange also proposes to make a technical amendment to Rule 2.3. The text of the proposed rule change is available on the Exchange's Web site at *http://www.directedge.com,* at the Commission's Web site at *http://www.sec.gov,* at the Exchange's principal office, and at the Public Reference Room of the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Exchange Rules 2.5 and 11.4 both state that the Series 7 is required for registration with the Exchange as an Authorized Trader. The purpose of the proposed rule change is to expand the types of exams that may satisfy the Exchange's Series 7 requirement by recognizing foreign examination modules equivalent to the Series 7 examination.

The proposal would reduce duplicative qualification standards that foreign registered representatives encounter to qualify as a U.S. general securities registered representative. For example, the examination modules for the U.K. (Series 17) and Canada (Series 37/38) currently are accepted as equivalent to the U.S. Series 7 by the NYSE, the Financial Industry Regulatory Authority ("FINRA"), the NASDAQ Stock Market, NYSE AlterNext US [sic], NYSE Arca, the Chicago Board Options Exchange ("CBOE"), and the BATS Exchange, Inc. ("BATS").[3]

The Series 17 version, the United Kingdom—Limited General Securities Registered Representative Examination, is for U.K. registrants who have successfully completed the basic exam of the U.K. and who are in good standing with the Financial Services Authority ("FSA"). Essentially, this modified Series 7 examination deletes those substantive sections of the standard Series 7 that overlap with the FSA examination. The Series 17 is a 100 question examination, is 120 minutes in duration, and deals with U.S. securities laws, regulations, sales practices and special products drawn from the standard Series 7 examination.

The Series 37 version is for Canadian registrants who have successfully completed the basic core module of the CSI Global Education ("CSI", formerly the Canadian Securities Institute) program. The Series 38 version is for Canadian registrants who, in addition to having successfully completed the basic core module of the CSI program, have also successfully completed the Canadian option and futures program. Both the Series 37 and 38 share topics and test questions with the parent Series 7 program but cover only subject matter that is not covered, or not covered in sufficient detail, on the Canadian qualification examination. The Series 37 has 90 questions and is 150 minutes in duration, while the Series 38, an abbreviated version of the series 37, has only 45 questions and is 75 minutes in duration. Forty-five questions pertaining to options from the series 37 were omitted from the Series 38.

The Exchange wishes to give U.K. and Canadian registered representatives the same advantage they have at other exchanges by eliminating duplicative examinations. The Exchange believes that acceptance of these examinations

[9] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See, e.g.,* Securities Exchange Act Release No. 27967 (May 1, 1990), 55 FR 19124 (May 8, 1990) (approving File No. SR–NYSE–89–22, Series 17); Securities Exchange Act Release No. 36629, International Series Release No. 909 (Dec. 21, 1995), 60 FR 67385, corrected, Securities Exchange Act Release No. 36629A, International Series Release No. 909A (Jan. 4, 1996), 61 FR 744 (Jan. 10, 1996) (approving File No. SR–NYSE–95–29, Series 37 and Series 38); Securities Exchange Act Release No. 36825 (Feb. 9, 1996), 61 FR 6052 (approving File No. SR–NASD–96–04, Series 37 and 38); Securities Exchange Act Release No. 38274 (February 12, 1997), 62 FR 7485 (approving File No. SR–CBOE–97–04, Series 17, 37 and 38); Securities Exchange Act Release No. 38921 (August 11, 1997), 62 FR 44023 (approving File No. SR–AMEX–97–26, Series 17, 37 and 38); *see also* NASD Rule 1032(a)(2)(B) and (C); NASDAQ Rule 1032(a)(2)(B) and (C); Securities Exchange Act Release No. 59292 (January 23, 2009), 74 FR 5690 (January 30, 2009) (approving File No. SR–BATS–2009–003).

will benefit both the Exchange and the foreign representatives affected by the proposal. Accordingly, pursuant to the amended rules, as proposed, the Exchange would approve the examination modules for the U.K. (Series 17) and Canada (Series 37/38) as equivalent foreign examination modules.[4] The Exchange has added Interpretation .05 to Rule 2.5 to define what it means to have passed an equivalent foreign examination module.

Technical Amendment to Rule 2.3(c):

The Exchange proposes to amend Rule 2.3 to clarify that all Authorized Traders who are to function as Principals on the Exchange shall be registered as Principals with the Exchange consistent with paragraph (e) of Rule 2.3, which requires that there be at least one such Principal registered.

2. Statutory Basis

The statutory basis for the Exchange's acceptance of these foreign examination modules lies in Section 6(c)(3)(B) of the Act.[5] Under that section, it is the Exchange's responsibility to prescribe standards of training, experience, and competence for persons associated with Exchange Members. Pursuant to this statutory obligation, the Exchange has adopted examinations that are administered by other self-regulatory organizations to establish that Authorized Traders of Exchange Members have attained specified levels of competence and knowledge.

The rule change proposed in this submission is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b) of the Act.[6] Specifically, the proposed change is consistent with Section 6(b)(5) of the Act,[7] because it would promote just and equitable principles of trade, remove impediments to, and perfect the mechanism of, a free and open market and a national market system, and, in general, protect investors and the public interest, by helping foreign representatives to qualify for registration with the Exchange by reducing duplicative qualification requirements. Accordingly, the modifications to EDGA Rules 2.5 and 11.4 promote just and equitable principles of trade, remove impediments to, and perfect the mechanism of, a free and open market and a national market system.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change is effective upon filing pursuant to Section 19(b)(3)(A) of the Act and paragraph (f)(6) of Rule 19b–4 thereunder, in that the proposed rule change: (i) Does not significantly affect the protection of investors or the public interest; (ii) does not impose any significant burden on competition; and (iii) does not become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest; provided the self-regulatory organization has given the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has requested that the Commission waive the 30-day operative delay. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, as it will allow the Exchange to recognize proficiency examinations already currently recognized by other self-regulatory organizations. The Exchange has noted that foreign representatives who have passed foreign examination modules equivalent to the Series 7 examination, are registered with other self-regulatory organizations, and wish to register with EDGA would be disadvantaged by having to wait for the proposed rule changes to become operative. Accordingly, the Commission designates the proposed rule change operative upon filing with the Commission.[8]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File No. SR–EDGA–2010–16 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File No. SR–EDGA–2010–16. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be

[4] The Exchange notes that the U.K. (Series 17) and Canada (Series 37/38) represent foreign examination modules that allow persons in good standing with the securities regulators of their respective countries to qualify as general securities registered representatives (equivalent to Series 7 registrants) by successfully completing certain modified general securities representative examinations which were developed, along with others for other foreign jurisdictions, by the New York Stock Exchange ("NYSE") more than 10 years ago.

[5] 15 U.S.C. 78f(c)(3)(B).

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] For the purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78(c)(f).

available for website viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of EDGA. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR–EDGA–2010–16 and should be submitted on or before December 7, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–28749 Filed 11–15–10; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–63283; File No. SR–ISE–2010–106]

Self-Regulatory Organizations; International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Fees and Rebates for Adding and Removing Liquidity

November 9, 2010.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on October 26, 2010, the International Securities Exchange, LLC (the "Exchange" or the "ISE") filed with the Securities and Exchange Commission the proposed rule change, as described in Items I and II below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The ISE is proposing to amend its transaction fees and rebates for adding and removing liquidity. The text of the proposed rule change is available on the Exchange's Web site (*http://www.ise.com*), at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange currently assesses a per contract transaction charge to market participants that add or remove liquidity from the Exchange ("maker/taker fees") in 100 options classes (the "Select Symbols").[3] The Exchange currently charges a take fee of: (i) $0.25 per contract for Market Maker, Market Maker Plus,[4] Firm Proprietary and Customer (Professional)[5] orders; (ii) $0.35 per contract for Non-ISE Market Maker[6] orders; (iii) $0.20 per contract for Priority Customer[7] orders for 100 or more contracts. Priority Customer orders for less than 100 contracts are not assessed a fee for removing liquidity. The Exchange proposes to increase the take fee to $0.40 per contract for Market Maker, Market Maker Plus, Firm Proprietary, Customer (Professional) and Non-ISE Market Maker interest that responds to special orders.[8] A special order is an order submitted for execution in the Exchange's Facilitation Mechanism, Solicited Order Mechanism, Block Order Mechanism and Price Improvement Mechanism. A response to a special order is any contra-side interest submitted after the commencement of an auction in the Exchange's Facilitation Mechanism, Solicited Order Mechanism, Block Order Mechanism and Price Improvement Mechanism.[9]

Additionally, to incentivize members, the Exchange currently offers a rebate of $0.15 per contract to contracts that do not trade with the contra order in the Exchange's Facilitation Mechanism and Price Improvement Mechanism. The Exchange proposes to (i) extend that $0.15 per contract rebate to contracts that do not trade with the contra order in the Exchange's Solicited Order Mechanism, and (ii) increase the rebate applied to contracts that do not trade with the contra order in the Exchange's Price Improvement Mechanism from $0.15 per contract to $0.25 per contract.

Finally, the Exchange currently charges Non-ISE Market Maker orders a fee of $0.20 per contract for adding liquidity. The Exchange proposes to lower this fee to $0.10 per contract. With this proposed fee reduction, the fee charged to Non-ISE Market Maker orders that add liquidity shall be equal to all other non-Priority Customer orders that add liquidity.

The Exchange also proposes to change the symbol for UAL Corporation on the Schedule of Fees from "UAUA" to

[9] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Options classes subject to maker/taker fees are identified by their ticker symbol on the Exchange's Schedule of Fees.

[4] A Market Maker Plus is a market maker who is on the National Best Bid or National Best Offer 80% of the time for series trading between $0.03 and $5.00 (for options whose underlying stock's previous trading day's last sale price was less than or equal to $100) and between $0.10 and $5.00 (for options whose underlying stock's previous trading day's last sale price was greater than $100) in premium in each of the front two expiration months and 80% of the time for series trading between $0.03 and $5.00 (for options whose underlying stock's previous trading day's last sale price was less than or equal to $100) and between $0.10 and $5.00 (for options whose underlying stock's previous trading day's last sale price was greater than $100) in premium across all expiration months in order to receive the rebate. The Exchange determines whether a market maker qualifies as a Market Maker Plus at the end of each month by looking back at each market maker's quoting statistics during that month. If at the end of the month, a market maker meets the Exchange's stated criteria, the Exchange rebates $0.10 per contract for transactions executed by that market maker during that month. The Exchange provides market makers a report on a daily basis with quoting statistics so that market makers can determine whether or not they are meeting the Exchange's stated criteria.

[5] A Customer (Professional) is a person who is not a broker/dealer and is not a Priority Customer.

[6] A Non-ISE Market Maker, or Far Away Market Maker ("FARMM"), is a market maker as defined in Section 3(a)(38) of the Securities Exchange Act of 1934, as amended ("Exchange Act"), registered in the same options class on another options exchange.

[7] A Priority Customer is defined in ISE Rule 100(a)(37A) as a person or entity that is not a broker/dealer in securities, and does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s).

[8] The proposed fee for responses to special orders is similar to fees currently in place at other options exchanges. *See* Securities Exchange Act Release No. 62632 (August 3, 2010), 75 FR 47869 (August 9, 2010) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Fee Schedule of the Boston Options Exchange Facility) (SR–BX–2010–049).

[9] Pre-existing Market Maker, Market Maker Plus, Firm Proprietary and Customer (Professional) interest that trades with special orders in the Exchange's various auctions will continue to be charged $0.25 per contract.

"UAL" to reflect a recent corporate action.[10]

The Exchange has designated this proposal to be operative on November 1, 2010.

2. Statutory Basis

The basis under the Exchange Act for this proposed rule change is the requirement under Section 6(b)(4)[11] that an exchange have an equitable allocation of reasonable dues, fees and other charges among its members and other persons using its facilities. The impact of the proposal upon the net fees paid by a particular market participant will depend on a number of variables, most important of which will be its propensity to add or remove liquidity in options overlying the Select Symbols. The Exchange operates in a highly competitive market in which market participants can readily direct order flow to another exchange if they deem fee levels at a particular exchange to be excessive. The Exchange believes that the proposed fees are within the range assessed by other exchanges[12] and therefore continue to be reasonable and equitably allocated to those members that opt to direct orders to the Exchange rather than to a competing exchange. The Exchange's maker/taker fees, which are currently applicable to each market participant, will continue to apply to the Select Symbols.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[13] At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–ISE–2010–106 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–ISE–2010–106. This file number should be included on the subject line if e-mail is used.

To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ISE–2010–106, and should be submitted on or before December 7, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–28747 Filed 11–15–10; 8:45 am]

BILLING CODE 8011–01–P

[10] On October 1, 2010, UAL Corporation announced that as a result of a merger between UAL Corporation and Continental Airlines, Inc. that it would change its name and underlying symbol. UAL Corporation is now known as United Continental Holding, Inc.

[11] 15 U.S.C. 78f(b)(4).

[12] *See supra* note 8.

[13] 15 U.S.C. 78s(b)(3)(A)(ii).

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–63278; File No. SR–OCC–2010–05]

Self-Regulatory Organizations; The Options Clearing Corporation; Order Granting Approval of a Proposed Rule Change Relating to Cash-Settled Foreign Currency Options With One-Cent Exercise Prices

November 8, 2010.

I. Introduction

On March 16, 2010, The Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission ("Commission") a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder[2] to clarify that cash-settled foreign currency options traded on national securities exchanges will be treated and cleared as securities options notwithstanding that they may have a nominal exercise price such as one cent. The proposed rule change was published for comment in the **Federal Register** on April 7, 2010.[3] No comment letters were received on the proposal. This order approves the proposal.

II. Description of the Proposal

OCC will add a sentence to the Introduction to Article XXII of its By-Laws to make clear that cash-settled foreign currency options traded on national securities exchanges will be treated and cleared as securities options notwithstanding that they may have a nominal exercise price such as one cent.[4]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 61820 (Apr. 1, 2010), 75 FR 17805.

[4] The exact language of the proposal can be seen at *http://www.theocc.com/component/docs/legal/rules_and_bylaws/sr_OCC_10_05.pdf.*

In its capacity as a "derivatives clearing organization" registered as such with the Commodities Futures Trading Commission, OCC also filed this proposed rule change with the CFTC for prior approval pursuant to provisions of the Commodity Exchange Act ("CEA") in order to foreclose any potential argument that the clearing by OCC of such options as securities options constitutes a violation of the CEA. The products involved here are essentially the same as cash-settled foreign currency options that OCC currently clears except for the low strike price.

III. Discussion

Section 17A(b)(3)(F) of the Act [5] requires, among other things, that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions and derivative transactions. OCC's clarification of its By-Laws with respect to cash-settled foreign currency options with nominal exercise prices should help reduce the likelihood of confusion as to OCC's treatment of such products, and accordingly should help to promote the prompt and accurate clearance and settlement of securities transactions.

IV. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Act and in particular Section 17A of the Act [6] and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[7] that the proposed rule change (File No. SR–OCC–2010–05) be and hereby is approved.[8]

For the Commission by the Division of Trading and Markets, pursuant to delegated authority.[9]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–28746 Filed 11–15–10; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

Dealer Floor Plan Pilot Program Meeting

AGENCY: U.S. Small Business Administration (SBA).

ACTION: Notice of open meeting.

SUMMARY: The SBA is issuing this notice to announce the location, date, time, and agenda for a meeting regarding the Dealer Floor Plan Pilot Program established in the Small Business Jobs Act of 2010. The meeting will be open to the public.

DATES: The Dealer Floor Plan Pilot Program meeting will be held on November 16, 2010 from approximately 9 a.m. to 12 p.m. Eastern Standard Time.

ADDRESSES: The meeting will be held in the Eisenhower Conference Room at SBA Headquarters located at 409 Third Street, SW., Second Floor, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The SBA is holding an open meeting to discuss the Dealer Floor Plan Pilot Program established in the Small Business Jobs Act of 2010 (Pub. L. 111–240). The purpose of the meeting is to obtain feedback from the public on their experiences with floor plan financing programs and SBA's previous Dealer Floor Plan Pilot Initiative that expired on September 30, 2010. In particular, SBA would like to obtain comments from the public relating to their experiences with the following issues: Advance rates, curtailment policies, collateral monitoring procedures, and fees typically charged to administer this type of financing.

FOR FURTHER INFORMATION CONTACT: The Dealer Floor Plan Pilot Program meeting is open to the public; however, seating is limited so advance notice of attendance is requested. Written comments may be submitted at the meeting or provided to SBA in advance of the meeting. To register, submit written comments, or for further information, please contact Patrick Kelley, Senior Advisor to the Associate Administrator, Office of Capital Access, U.S. Small Business Administration, phone (202) 205–0067, fax (202) 292–3844, or e-mail *Patrick.kelley@sba.gov.* If you are unable to attend the meeting in person, you may participate by telephone by calling (866) 740–1260 and using access code 3710104.

Additionally, if you need accommodations because of a disability or require additional information, please contact Patrick Kelley, Senior Advisor to the Associate Administrator, Office of Capital Access, by November 15, 2010 at phone (202) 205–0067, fax (202) 292–3844, or e-mail *Patrick.kelley@sba.gov.*

Grady B. Hedgespeth,

Director, Office of Financial Assistance.

[FR Doc. 2010–28715 Filed 11–15–10; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice: 7225]

Bureau of Educational and Cultural Affairs (ECA) Request for Grant Proposals: The Future Leaders Exchange (FLEX) Program: Host Family and School Placement and Monitoring

Announcement Type: New Grant.

Funding Opportunity Number: ECA/PE/C/PY–11–04.

Catalog of Federal Domestic Assistance Number: 19.415.

Application Deadline: January 5, 2011.

Executive Summary: The Future Leaders Exchange (FLEX) program seeks to promote mutual understanding between the United States and the countries of Eurasia by providing secondary school students from the region the opportunity to live in American society for an academic year. In turn, these students will expose U.S. citizens to the culture, traditions, and lifestyles of people in Eurasia.

Organizations are invited to submit proposals to identify host schools; vet, select, and monitor host families; and place and monitor a portion of the students participating in the FLEX program during the 2011–12 academic year. Pending the availability of funds, an FY 2011 grant will provide the monies required to recruit and screen host families; secure school placements; conduct student and host family orientations; provide cultural and educational enrichment activities; handle all counseling and programmatic issues; and evaluate program implementation.

I. Funding Opportunity Description Authority

Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87–256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is "to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries * * *; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests,

[5] 15 U.S.C. 78q–1(b)(3)(F).

[6] 15 U.S.C. 78q–1.

[7] 15 U.S.C. 78s(b)(2).

[8] In approving the proposed rule change, the Commission considered the proposal's impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

[9] 17 CFR 200.30–3(a)(12).

developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world." The funding authority for the program above is provided through legislation.

Purpose: The FLEX Program seeks to provide approximately 1,000 high school students from Eurasia with an opportunity to live in the United States for the purpose of promoting mutual understanding between our countries. Participants will reside with American host families and attend high school during the 2011–12 academic year. Public and private non-profit organizations meeting the provisions described in Internal Revenue Code section 26 USC 501(c)(3) may submit proposals to recruit and select host families and schools for high school students between the ages of 15 and 17 from Eurasia. This solicitation refers only to FLEX students from the following Eurasian countries: Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, and Ukraine.

In addition to identifying schools and screening families, organizations will be responsible for: (1) Providing English language enhancement activities for approximately 10% of their students who are specially identified; (2) orienting all students to local conditions, resources and opportunities; (3) orienting host families to program specifics; (4) providing support services for students; (5) arranging enhancement activities and skill-building opportunities; (6) monitoring student, family and coordinator performance and progress; (7) providing mid-year programming and re-entry training; and (8) evaluating project success. Preference will be given to those organizations that offer participants opportunities to develop leadership skills and raise their awareness of tolerance and civic responsibility through community activities and networks. The number of students who will participate is subject to the availability of funding in fiscal year 2011.

During the year, FLEX participants will be engaged in a variety of activities, such as community and school-based programs, skill-building workshops, and cultural events. Academic year 2011–12 will be the 19th year of the FLEX program, with more than 20,000 students having been awarded scholarships since the program's inception.

Goal: The goal of the program is to promote mutual understanding and foster relationships between the people of Eurasia and the United States by enabling students to:

- Gain an understanding of American culture, diversity, and respect for others with differing views and beliefs;
- Teach Americans about their home countries and cultures;
- Interact with Americans and generate enduring ties;
- Explore and acquire an understanding of the key elements of U.S. civil society, including concepts such as volunteerism, the idea that American citizens can and do act at the grassroots level to deal with societal problems, and an awareness of and respect for the Rule of Law; and
- Share and apply experiences and knowledge in their home communities as FLEX alumni, initiating activities that focus on development and community service.

Objectives: The objectives of the FLEX placement and monitoring component are:

- To place approximately 1,000 pre-selected high school students from 10 Eurasian countries in safe, qualified, well-suited host families;
- To place students in accredited schools;
- To expose program participants to American culture and enable them to obtain a broad view of U.S. society and history;
- To provide appropriate venues for program participants to share their culture, lifestyles, and traditions with U.S. citizens;
- To provide participants with development opportunities that foster leadership skills they can take back with them and use in their home countries; and
- To provide activities that will increase and enhance students' leadership capacity, enabling them—as FLEX alumni—to initiate activities in their home countries that focus on development and community service.

Other Components: One organization already has been awarded a grant to administer the "Organizational Components" of the FLEX program, and performs the following functions: Recruitment and selection of Eurasian students; assistance in documentation and preparation of DS–2019 visa forms; preparation of cross-cultural materials; pre-departure orientation; international travel from home to host community and return; facilitation of ongoing communication between the natural parents and the placement organization, as needed; maintenance of a student database and provision of data to the U.S. Department of State; and ongoing follow-up with alumni after their return to Eurasia.

Another organization is currently responsible for supporting students with disabilities. This includes a pre-program orientation, a year-end reentry training, and support throughout the year in order to help them cope with challenges specific to their circumstances. Students with disabilities may need supplementary independence skills training early on in the program. Placement organizations will be in direct communication with both organizations.

Guidelines: Applicants are requested to submit a narrative outlining a comprehensive strategy for the administration and implementation of the placement component of the FLEX program that includes the following responsibilities:

1. Recruitment, screening, selection, and FLEX-specific orientation of local coordinators and host families;
2. Enrollment of participants in an accredited school;
3. Post-arrival orientation for participants;
4. Placement of a small number of students with disabilities;
5. Pre-program specialized English language programming for pre-selected students who require focused preparation for their academic year;
6. Preparation and dissemination of placement organization materials to the organization administering the "Organizational Components" by May 1, 2011 (these materials will be distributed to the students at the Pre-Departure Orientation);
7. Troubleshooting;
8. Monitoring of students, host families and local coordinators;
9. Quarterly evaluation of the organization's success in achieving program goals;
10. Mid-year programs to assess progress; and
11. Re-entry training to prepare students for readjustment to their home environments.

Applicants must request a grant for placement and monitoring of at least 30 students; there is no maximum number of students that may be placed by one organization. Placements may be in any region of the United States. Strong preference will be given to organizations that choose to place participants in clusters of at least three students (these students should be from different countries) in a particular Local Coordinator's area of responsibility. Please refer to the POGI for details on essential program elements, permissible costs, and criteria used to select and

place students. We anticipate grants beginning no later than April 2011, subject to the availability of funds.

Participants will begin to arrive in their host communities in late July 2011 and remain for 10 or 11 months until their departure mid-May to late June 2012. Students with disabilities and students requiring supplementary English language instruction may arrive earlier.

Administration of the program must be in compliance with federal, state, and local tax reporting and withholding regulations as applicable. Recipient organizations must demonstrate regulation adherence in the proposal narrative and budget.

Applicants must submit the health and accident insurance plans they intend to use for students on this program. The Bureau offers the Accident and Sickness Program for Exchanges (ASPE) plan for students participating in the program. Placement Organizations wishing to use a different plan must demonstrate that such alternate plan a) provides comparable or more comprehensive coverage and b) costs less. Coverage must begin when students depart their home countries and not conclude until they return home. Please keep in mind that the students with disabilities who participate in the July post-arrival workshop must be covered by the Placement Organization's health insurance policy while they are participating in the workshop.

II. Award Information

Type of Award: New Grant.

Fiscal Year Funds: FY 2011.

Approximate Total Funding: $8,000,000.

Approximate Number of Awards: 10–15 grants.

Approximate Average Award: Funding level is dependent on the number of proposed students, monitoring, the quality of support, and volume of activities.

Anticipated Award Date: Pending availability of funds, April 2011.

Anticipated Project Completion Date: August 2012.

Additional Information: Pending successful implementation of this program and the availability of funds in subsequent fiscal years, it is ECA's intent to renew this grant for two additional fiscal years, before openly competing it again.

III. Eligibility Information

III.1. Eligible Applicants: Applications may be submitted by public and private non-profit organizations meeting the provisions described in Internal Revenue Code section 26 USC 501(c)(3).

III.2. Cost Sharing or Matching Funds: There is no minimum or maximum percentage required for this competition. However, the Bureau encourages applicants to provide maximum levels of cost sharing and funding in support of its programs.

When cost sharing is offered, it is understood and agreed that the applicant must provide the amount of cost sharing as stipulated in its proposal and later included in an approved agreement. Cost sharing may be in the form of allowable direct or indirect costs. For accountability, you must maintain written records to support all costs which are claimed as your contribution, as well as costs to be paid by the Federal government. Such records are subject to audit. The basis for determining the value of cash and in-kind contributions must be in accordance with OMB Circular A–110, (Revised), Subpart C.23—Cost Sharing and Matching. In the event you do not provide the minimum amount of cost sharing as stipulated in the approved budget, ECA's contribution will be reduced in like proportion.

III.3. Other Eligibility Requirements: Bureau grant guidelines require that organizations with fewer than four years experience in conducting international exchanges be limited to $60,000 in Bureau funding. Since an award to support program and administrative costs required to implement this exchange program for a minimum of 30 students will exceed $60,000, organizations with less than four years experience in conducting international exchanges are ineligible to apply under this competition. The Bureau encourages applicants to provide maximum levels of cost sharing and funding in support of its programs.

IV. Application and Submission Information

Please read the complete announcement before sending inquiries or submitting proposals. Once the RFGP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

IV.1 Contact Information to Request an Application Package: Please contact The Youth Programs Division, ECA/PE/C/PY, SA–5, Floor 3, U.S. Department of State, Washington, DC 20037, telephone (202) 632–6416, and fax (202) 632–9355, e-mail Amrote Molla at *MollaAB@state.gov* to request a Solicitation Package. Please refer to the Funding Opportunity Number ECA/PE/C/PY–11–04 located at the top of this announcement when making your request.

Alternatively, an electronic application package may be obtained from Grants.gov. *Please see* section IV.3f for further information.

The Solicitation Package contains the Proposal Submission Instruction (PSI) document, which consists of required application forms and standard guidelines for proposal preparation. It also contains the Project Objectives, Goals and Implementation (POGI) document, which provides specific information, award criteria and budget instructions tailored to this competition.

Please specify the Funding Opportunity Number (ECA/PE/C/PY–11–04) at the top of this announcement on all inquiries and correspondence.

IV.2. To Download a Solicitation Package via the Internet: The entire Solicitation Package may be downloaded from the Bureau's Web site at *http://exchanges.state.gov/grants/open2.html* or from the Grants.gov Web site at *http://www.grants.gov.*

Please read all information before downloading.

IV.3. Content and Form of Submission: Applicants must follow all instructions in the Solicitation Package. The application should be submitted per the instructions under IV.3f. "Application Deadline and Methods of Submission" section below.

IV.3a. You are required to have a Dun and Bradstreet Data Universal Numbering System (DUNS) number to apply for a grant or cooperative agreement from the U.S. Government. This number is a nine-digit identification number, which uniquely identifies business entities. Obtaining a DUNS number is easy and there is no charge. To obtain a DUNS number, access *http://www.dunandbradstreet.com* or call 1–866–705–5711. Please ensure that your DUNS number is included in the appropriate box of the SF–424 which is part of the formal application package.

IV.3b. All proposals must contain an executive summary, proposal narrative and budget.

Please Refer to the Solicitation Package. It contains the mandatory Proposal Submission Instructions (PSI) document and the Project Objectives, Goals and Implementation (POGI) document for additional formatting and technical requirements.

IV.3c. You must have nonprofit status with the IRS at the time of application. **Please note:** Effective January 7, 2009, all applicants for ECA federal assistance awards must include in their application the names of directors and/or senior executives (current officers,

trustees, and key employees, regardless of amount of compensation). In fulfilling this requirement, applicants must submit information in one of the following ways: Those who file Internal Revenue Service Form 990, "Return of Organization Exempt From Income Tax," must include a copy of relevant portions of this form. Those who do not file IRS Form 990 must submit information above in the format of their choice.

In addition to final program reporting requirements, award recipients will be required to submit a one-page document, derived from their program reports, listing and describing their grant activities. For award recipients, the names of directors and/or senior executives (current officers, trustees, and key employees), as well as the one-page description of grant activities, will be transmitted by the State Department to OMB, along with other information required by the Federal Funding Accountability and Transparency Act (FFATA), and will be made available to the public by the Office of Management and Budget on its USASpending.gov Web site as part of ECA's FFATA reporting requirements.

If your organization is a private nonprofit which has not received a grant or cooperative agreement from ECA in the past three years, or if your organization received nonprofit status from the IRS within the past four years, you must submit the necessary documentation to verify nonprofit status as directed in the PSI document. Failure to do so will cause your proposal to be declared technically ineligible.

IV.3d. Please take into consideration the following information when preparing your proposal narrative:

IV.3d.1 Adherence To All Regulations Governing The J-Visa: The Office of Citizen Exchanges of the Bureau of Educational and Cultural Affairs is the official program sponsor of the exchange program covered by this RFGP, and an employee of the Bureau will be the "Responsible Officer" for the program under the terms of 22 CFR part 62, which covers the administration of the Exchange Visitor Program (J-visa program). Under the terms of 22 CFR part 62, organizations receiving awards (either a grant or cooperative agreement) under this RFGP will be third parties "cooperating with or assisting the sponsor in the conduct of the sponsor's program." The actions of recipient organizations shall be "imputed to the sponsor in evaluating the sponsor's compliance with" 22 CFR part 62. Therefore, the Bureau expects that any organization receiving an award under this competition will render all assistance necessary to enable the Bureau to fully comply with 22 CFR part 62 *et seq.*

The Bureau of Educational and Cultural Affairs places critically important emphases on the secure and proper administration of Exchange Visitor (J-visa) Programs and adherence by recipient organizations and program participants to all regulations governing the J-visa program status. Therefore, proposals should *explicitly state in writing* that the applicant is prepared to assist the Bureau in meeting all requirements governing the administration of Exchange Visitor Programs as set forth in 22 CFR part 62.

Please Note: The Department of State is revising existing Secondary School Student regulations regarding the screening, selection, school enrollment, orientation, and quality assurance monitoring of exchange students as well as the screening, selection, orientation, and quality assurance monitoring of host families and field staff. Regulation revisions will be effective as of November 26, 2010. For more details, please visit *http://exchanges.state.gov/jexchanges.* Any organization approved for funding will be responsible for complying with all regulations in effect during the time of the award.

If your organization has experience as a designated Exchange Visitor Program Sponsor, you should discuss your record of compliance with 22 CFR part 62 *et seq.,* including the oversight of Responsible Officers and Alternate Responsible Officers, screening and selection of program participants, provision of pre-arrival information and orientation to participants, monitoring of participants, proper maintenance and security of forms, record-keeping, reporting and other requirements. ECA will review the record of compliance with 22 CFR part 62 *et seq.* of applicant organizations designated as Exchange Visitor Program Sponsors by ECA's Office of Private Sector Exchange as one factor in evaluating the record/ability of organizations to carry out successful exchange programs.

The Office of Citizen Exchanges of ECA will be responsible for issuing DS–2019 forms to participants in this program.

A copy of the complete regulations governing the administration of Exchange Visitor (J) programs is available at *http://exchanges.state.gov* or from: Office of Designation, ECA/EC/D, SA–5, Floor C2, Department of State, Washington, DC 20037.

IV.3d.2 Diversity, Freedom and Democracy Guidelines: Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. "Diversity" should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and disabilities. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the ''Support for Diversity'' section for specific suggestions on incorporating diversity into your proposal. Public Law 104–319 provides that "in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy," the Bureau "shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries." Public Law 106–113 requires that the governments of the countries described above do not have inappropriate influence in the selection process. Proposals should reflect advancement of these goals in their program contents, to the full extent deemed feasible.

Funds provided through this award may not be used to promote participation in, or to purchase equipment or supplies intended for, activities related to religious worship or proselytization. Host families, school officials, and grantee organizations shall not require program participants to attend religious services. However, as part of their exchange experience, participants may be offered the opportunity to take part voluntarily in this facet of their host culture, at their own discretion. Volunteer host families (who receive no financial benefit from grant funds) are encouraged to enable participants living with them to attend services of the participant's religion, if the participant so desires and the services are available within a reasonable distance of the host family's residence.

IV.3d.3. Program Monitoring and Evaluation: Program Monitoring includes Participant Monitoring, which focuses specifically on ensuring students' safety and well-being throughout the year; see Review Criterion #5 for details and instructions. This section focuses on other aspects of Program Monitoring.

Program Monitoring: Proposals must include a plan to monitor and report on the project's success, both as the activities unfold and at the end of the program. The Bureau recommends that your proposal include a draft survey

questionnaire or other technique, plus a description of a methodology that will be used to link outcomes to original project objectives. The Bureau expects that the grantee will track participants and be able to respond to key monitoring questions throughout the year, particularly concerning effects of the program on program participants, their host families and communities.

Successful monitoring depends heavily on setting clear goals and outcomes at the outset of a program. Your monitoring plan should include a description of your project's objectives and how and when you intend to measure these outcomes. You should also show how your project objectives link to the goals of the program described in this RFGP.

Overall, the quality of your monitoring plan will be judged on how well it specifies successes and challenges. Grantees will be required to provide reports analyzing their monitoring findings to the Bureau in their regular program reports. All data collected, including survey responses and contact information, must be maintained for a minimum of three years and provided to the Bureau upon request.

Evaluation: The Bureau's Office of Policy and Evaluation will conduct evaluations of the FLEX program through E–GOALS, its online system for surveying program participants and collecting data about program performance. These evaluations assist ECA and its program grantees in meeting the requirements of the Government Performance Results Act (GPRA) of 1993. This Act requires federal agencies to measure the results of their programs in meeting pre-determined performance goals and objectives. Please see specific responsibilities in the accompanying POGI document.

IV.3e. Please consider the following information when preparing your budget: Applicants must submit SF–424A—"Budget Information—Non-Construction Programs" along with a comprehensive budget for the entire program. The budget must reflect costs for a minimum of 30 participants. Please indicate clearly the number of students funded. There must be a summary budget as well as breakdowns reflecting both administrative and program budgets. Applicants may provide separate sub-budgets for each program component, phase, location, or activity to provide clarification.

Please refer to the Solicitation Package for complete budget guidelines and formatting instructions.

IV.3f. Application Deadline and Methods of Submission:

Application Deadline Date: January 5, 2011.

Reference Number: ECA/PE/C/PY–11–04.

Methods of Submission

Applications may be submitted in one of two ways:

1. In hard-copy, via a nationally recognized overnight delivery service (*i.e.,* Federal Express, UPS, Airborne Express, or U.S. Postal Service Express Overnight Mail, etc.), or

2. Electronically through *http://www.grants.gov.*

Along with the Project Title, all applicants must enter the above Reference Number in Box 11 on the SF–424 contained in the mandatory Proposal Submission Instructions (PSI) of the solicitation document.

IV.3f.1 Submitting Printed Applications: Applications must be shipped no later than the above deadline. Delivery services used by applicants must have in-place, centralized shipping identification and tracking systems that may be accessed via the Internet and delivery people who are identifiable by commonly recognized uniforms and delivery vehicles. Proposals shipped on or before the above deadline but received at ECA more than seven days after the deadline will be ineligible for further consideration under this competition. Proposals shipped after the established deadlines are ineligible for consideration under this competition. ECA will *not* notify you upon receipt of application. It is each applicant's responsibility to ensure that each package is marked with a legible tracking number and to monitor/confirm delivery to ECA via the Internet. Delivery of proposal packages *may not* be made via local courier service or in person for this competition. Faxed documents will not be accepted at any time. Only proposals submitted as stated above will be considered.

Important Note: When preparing your submission please make sure to include one extra copy of the completed SF–424 form and place it in an envelope addressed to "ECA/EX/PM." The original and eight (8) copies of the application should be sent to: Program Management Division (ECA–IIP/EX/PM), Ref.: ECA/PE/C/PY–11–04, SA–5, Floor 4, Department of State, 2200 C Street, NW., Washington, DC 20037.

IV.3f.2 Submitting Electronic Applications: Applicants have the option of submitting proposals electronically through Grants.gov (*http://www.grants.gov*). Complete solicitation packages are available at Grants.gov in the "Find" portion of the system.

Please Note: Due to Recovery Act related opportunities, there has been a higher than usual volume of grant proposals submitted through Grants.gov. Potential applicants are advised that the increased volume may affect the grants.gov proposal submission process. As stated in this RFGP, ECA bears no responsibility for applicant timeliness of submission or data errors resulting from transmission or conversion processes for proposals submitted via Grants.gov. Please follow the instructions available in the 'Get Started' portion of the site *http://www.grants.gov/GetStarted.*

Several of the steps in the Grants.gov registration process could take several weeks. Therefore, applicants should check with appropriate staff within their organizations immediately after reviewing this RFGP to confirm or determine their registration status with Grants.gov. Once registered, the amount of time it can take to upload an application will vary depending on a variety of factors including the size of the application and the speed of your Internet connection. In addition, validation of an electronic submission via Grants.gov can take up to two business days. Therefore, we strongly recommend that you not wait until the application deadline to begin the submission process through Grants.gov.

The Grants.gov Web site includes extensive information on all phases/aspects of the Grants.gov process, including an extensive section on frequently asked questions, located under the "For Applicants" section of the Web site. ECA strongly recommends that all potential applicants review thoroughly the Grants.gov Web site, well in advance of submitting a proposal through the Grants.gov system. ECA bears no responsibility for data errors resulting from transmission or conversion processes. Direct all questions regarding Grants.gov registration and submission to: Grants.gov Customer Support; Contact Center Phone: 800–518–4726; Business Hours: Monday–Friday, 7 a.m.– 9 p.m. Eastern Time; E-mail: *support@grants.gov*

Applicants have until midnight (12 a.m.), Washington, DC time of the closing date to ensure that their entire application has been uploaded to the Grants.gov site. There are no exceptions to the above deadline. Applications uploaded to the site after midnight of the application deadline date will be automatically rejected by the grants.gov system, and will be technically ineligible. Please refer to the Grants.gov website, for definitions of various "application statuses" and the difference

between a submission receipt and a submission validation. Applicants will receive a validation e-mail from grants.gov upon the successful submission of an application. Again, validation of an electronic submission via Grants.gov can take up to *two business days. Therefore, we strongly recommend that you not wait until the application deadline to begin the submission process through Grants.gov. ECA will not notify* you upon receipt of electronic applications. It is the responsibility of all applicants submitting proposals via the Grants.gov web portal to ensure that proposals have been received by Grants.gov in their entirety, and ECA bears no responsibility for data errors resulting from transmission or conversion processes.

IV.3g. Intergovernmental Review of Applications: Executive Order 12372 does not apply to this program.

V. Application Review Information

V.1. Review Process: The Bureau will review all proposals for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package. In addition, ECA will review the record of compliance with 22 CFR part 62 *et seq.* of applicant organizations designated as Exchange Visitor Program Sponsors by ECA's Office of Private Sector Exchange. If it is determined that an applicant organization submitting a proposal has a record of not being in compliance, their proposal will be deemed technically ineligible and receive no further consideration in the review process. If in compliance, the applicant organization's record of compliance will be used as one factor in evaluating the record/ability of organizations to carry out successful exchange programs.

All eligible proposals will be reviewed by the program office, as well as the Public Diplomacy section overseas, where appropriate. Eligible proposals will be subject to compliance with Federal and Bureau regulations and guidelines and forwarded to Bureau grant panels for advisory review. Proposals may also be reviewed by the Office of the Legal Adviser or by other Department elements. Final funding decisions are at the discretion of the Department of State's Assistant Secretary for Educational and Cultural Affairs. Final technical authority for assistance awards (grants) resides with the Bureau's Grants Officer.

Review Criteria

1. Program Planning/Ability to Achieve Program Objectives: Your proposal narrative should exhibit originality, substance, and relevance to the Bureau's mission. Reviewers will assess the degree to which proposals engage participants in community activities that involve skills development and leadership training. A detailed agenda and work plan should adhere to the program overview and guidelines described in the solicitation package. Reviewers also will assess the degree to which the proposed outcomes of the project are realistic and measurable. Strategies should creatively utilize resources at the local level to ensure an efficient use of program funds.

2. Support of Diversity: Proposals should demonstrate substantive support of the Bureau's policy on diversity. Achievable and relevant features should be cited in both program administration (selection of participants, host families, schools, program venue and program evaluation) and program content (orientations, program meetings, resource materials and follow-up activities).

3. Organization's Record/Institutional Capacity: Proposed personnel and institutional resources should be adequate and appropriate to achieve the program or project's goals. Reviewers will assess the applicant and its partners to determine if they offer adequate resources, expertise, and experience to fulfill program objectives. Partner activities should be clearly defined. Proposals should demonstrate an institutional record of successful exchange programs, including responsible fiscal management and full compliance with all reporting and J–1 Visa requirements for past Bureau grants as determined by Bureau Grant Staff. In addition, organizations designated as Exchange Visitor Program Sponsors must include a discussion of their record of compliance with 22 CFR part 62 *et seq.,* including the oversight of their Responsible Officers and Alternate Responsible Officers, screening and selection of program participants, provision of pre-arrival information and orientation to participants, monitoring of participants, proper maintenance and security of forms, record-keeping, reporting and other requirements. Proposals that fail to include the above information in their narrative will be deemed less or not competitive under this review criterion. ECA will review the record of compliance with 22 CFR part 62 *et seq.* of organizations designated as Exchange Visitor Program Sponsors as one factor in evaluating the record/ability of organizations to carry out successful exchange programs.

4. Multiplier Effect: Proposed programs should strengthen long-term mutual understanding, including maximum sharing of information and establishment of long-term institutional and individual linkages. Reviewers will assess ways in which proposals include innovative ideas to expose U.S. communities to FLEX-related goals and activities that involve students, host families and schools. This includes media outreach, visits to local and national government representatives, Internet-based applications and other interactions. Reviewers will also evaluate substantive plans to prepare FLEX students for their role as active, effective FLEX alumni.

5. Participant Monitoring: Proposals must include a detailed monitoring plan that addresses Student, Local Coordinator (LC) and Host Family (HF) monitoring. Given the importance the Department places on this criterion, you should dedicate a significant percentage of the narrative to explaining how you will achieve the Department's goals in regard to monitoring. You may use the appendices to house additional details and supporting documentation. Please see the Project Objectives, Goals, and Implementation (POGI) for additional details regarding this review criterion.

6. Project Evaluation: Proposals should include a plan to monitor and evaluate the activity's success, both as the activities unfold and at the end of the program. Reviewers will assess your plans to monitor student progress and program activities, particularly in regard to intended outcomes indicated in your proposal. Grantees will be expected to submit quarterly reports, which should be included as an inherent component of the work plan. Your primary method of evaluation is E-GOALS; other organization-specific instruments are encouraged.

Proposals should also specify ways in which students will be encouraged to complete the mandatory end-of-the-year surveys administered through the E-GOALS system.

7. Cost-effectiveness/Cost Sharing: Reviewers will analyze the budget for clarity and cost-effectiveness. They also will assess the rationale of the proposed budget and whether the allocation of funds is appropriate to complete tasks outlined in the project narrative. The overhead and administrative components of the proposal, including salaries and honoraria, should be kept as low as possible. All other items should be necessary and appropriate. Proposals should maximize cost-sharing through other private sector support as well as institutional direct funding contributions. Preference will be given

to organizations whose proposals demonstrate a quality, cost-effective program.

VI. Award Administration Information

VI.1. Award Notices: Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal Bureau procedures. Successful applicants will receive a Federal Assistance Award (FAA) from the Bureau's Grants Office. The FAA and the original proposal with subsequent modifications (if applicable) shall be the only binding authorizing document between the recipient and the U.S. Government. The FAA will be signed by an authorized Grants Officer, and mailed to the recipient's responsible officer identified in the application.

Unsuccessful applicants will receive notification of the results of the application review from the ECA program office coordinating this competition.

VI.2 Administrative and National Policy Requirements: Terms and Conditions for the Administration of ECA agreements include the following:

Office of Management and Budget Circular A–122, "Cost Principles for Nonprofit Organizations."

Office of Management and Budget Circular A–21, "Cost Principles for Educational Institutions."

OMB Circular A–87, "Cost Principles for State, Local and Indian Governments."

OMB Circular No. A–110 (Revised), Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Nonprofit Organizations.

OMB Circular No. A–102, Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments. OMB Circular No. A–133, Audits of States, Local Government, and Non-profit Organizations.

Please reference the following websites for additional information:

http://www.whitehouse.gov/omb/grants. http://fa.statebuy.state.gov.

VI.3. Reporting Requirements: You must provide ECA with a hard copy original plus *one* copy of the following reports:

A final program and financial report no more than 90 days after the expiration of the award.

A concise, one-page final program report summarizing program outcomes no more than 90 days after the expiration of the award. This one-page report will be transmitted to OMB, and be made available to the public via OMB's USAspending.gov website—as part of ECA's Federal Funding Accountability and Transparency Act (FFATA) reporting requirements.

An SF–PPR, "Performance Progress Report" Cover Sheet with all program reports, including the SF–PPR–E and SF–PPR–F. Quarterly program and financial reports which should include both quantitative and qualitative data you have available.

Award recipients will be required to provide reports analyzing their evaluation findings to the Bureau in their regular program reports. (Please refer to IV. Application and Submission Instructions (IV.3.d.3) above for Program Monitoring and Evaluation information.)

All data collected, including survey responses and contact information, must be maintained for a minimum of three years and provided to the Bureau upon request.

All reports must be sent to the ECA Grants Officer and ECA Program Officer listed in the final assistance award document.

VII. Agency Contacts

For questions about this announcement, contact: Callie Ward (*wardca@state.gov*; 202–632–6431), Office of Citizen Exchanges, ECA/PE/C/PY, SA–5, Floor 3, Department of State, Washington, DC 20037. All correspondence with the Bureau concerning this RFGP should reference the above contact and ECA/PE/C/PY–11–04.

Please read the complete announcement before sending inquiries or submitting proposals. Once the RFGP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

Notice: The terms and conditions published in this RFGP are binding and may not be modified by any Bureau representative. Explanatory information provided by the Bureau that contradicts published language will not be binding. Issuance of the RFGP does not constitute an award commitment on the part of the Government. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements per section VI.3 above.

Dated: November 9, 2010.

Ann Stock

Assistant Secretary for Educational and Cultural Affairs, U.S. Department of State.

[FR Doc. 2010–28832 Filed 11–15–10; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket No. DOT–OST–2010–0025]

Notice of Request for Reinstatement of Previously Approved Information Collection

ACTION: Notice; Correction

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Department published a 60-Day notice on February 2, 2010 (75 FR 5369) and a subsequent notice ("30-Day notice") on June 25, 2010 (75 FR 36463). As noted in both notices, the Department incorrectly estimated a total of 1,057 respondents and annual burden of 1,311,000 hours. The Department also provided the incorrect address for which the public should request further information related to the relevant Information Collection Request. The Department is correcting the documents as set forth below.

Correction

FOR FURTHER INFORMATION CONTACT: Robert C. Ashby, Office of the Secretary, Office of Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590, (202) 366–9310 (voice) (202) 366–9313 (fax) or at *bob.ashby@dot.gov.*

SUPPLEMENTARY INFORMATION:

Number of Respondents: 1,250.

Frequency of Response: Once/twice a year.

Estimated Total Burden on Respondents: 9,000 hours.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1:48.

Issued in Washington, DC, on November 10, 2010.

Patricia Lawton,

Department PRA Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2010–28776 Filed 11–15–10; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD 2010–0101]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel DESTINY.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below. The complete application is given in DOT docket MARAD–2010–0101 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388 (68 FR 23084; April 30, 2003), that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

DATES: Submit comments on or before December 16, 2010.

ADDRESSES: Comments should refer to docket number MARAD–2010–0101. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except Federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Joann Spittle, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue, SE., Room W21–203, Washington, DC 20590. Telephone 202–366–5979.

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel DESTINY is:

Intended Commercial Use of Vessel: "The owner intends to use the vessel for commercial purposes for carrying passengers for hire."

Geographic Region: "California."

Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, *etc.*). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

Dated: November 4, 2010.

By order of the Maritime Administrator.

Murray Bloom,

Acting Secretary, Maritime Administration.

[FR Doc. 2010–28734 Filed 11–15–10; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD 2010–0099]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel TAXI 1.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below. The complete application is given in DOT docket MARAD–2010–0099 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388 (68 FR 23084; April 30, 2003), that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

DATES: Submit comments on or before December 16, 2010.

ADDRESSES: Comments should refer to docket number MARAD–2010–0099. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov http://smses.dot.gov/submit/.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Joann Spittle, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue, SE., Room W21–203, Washington, DC 20590. Telephone 202–366–5979.

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel TAXI 1 is:

Intended Commercial Use Of Vessel: "Vessel will be used for a sight seeing passenger vessel for 6 or less passengers and occasional sport fishing with no fish sold commercially. It will not transport cargo."

Geographic Region: "Florida."

Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if

submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

By order of the Maritime Administrator.

Dated: November 4, 2010.

Murray Bloom,

Acting Secretary, Maritime Administration.

[FR Doc. 2010–28735 Filed 11–15–10; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD 2010–0100]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel GEM.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below. The complete application is given in DOT docket MARAD–2010–0100 at *http://www.regulations.gov*. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388 (68 FR 23084; April 30, 2003), that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

DATES: Submit comments on or before December 16, 2010.

ADDRESSES: Comments should refer to docket number MARAD–2010–0100. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov http://smses.dot.gov/submit/*. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Joann Spittle, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue, SE., Room W21–203, Washington, DC 20590. Telephone 202–366–5979.

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel GEM is:

Intended Commercial Use of Vessel: "Private charter."

Geographic Region: "East Coast USA, North of North Carolina during the months of May to November. Mainly operated in Connecticut, Rhode Island, New York, Massachusetts, North Carolina."

Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

By order of the Maritime Administrator.

Dated: November 4, 2010.

Murray Bloom,

Acting Secretary, Maritime Administration.

[FR Doc. 2010–28733 Filed 11–15–10; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Office of Hazardous Materials Safety; Notice of Applications For Modification of Special Permit

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: List of applications for modification of special permits.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations (49 CFR part 107, subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier **Federal Register** publications, they are not repeated here. Requests for modification of special permits (*e.g.* to provide for additional hazardous materials, packaging design changes, additional mode of transportation, *etc.*) are described in footnotes to the application number. Application numbers with the suffix "M" denote a modification request. These applications have been separated from the new application for special permits to facilitate processing.

DATES: Comments must be received on or before December 1, 2010.

Address Comments To: Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Records Center, East Building, PHH–30, 1200 New Jersey Avenue, Southeast, Washington, DC or at *http://regulations.gov.*

This notice of receipt of applications for modification of special permit is published in accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on November 9, 2010.

Donald Burger,

Chief, Special Permits and Approvals Branch.

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of special permit thereof
MODIFICATION SPECIAL PERMITS				
14903–M	.....	Hageland Aviation Services dba Era Alaska Achorage, AK.	49 CFR 173.302 (f)	To modify the special permit to authorize the addition of passenger aircraft.
14922–M	.....	Peninsula Airways Inc. (PenAir). Anchorage, AK	49 CFR 173.302 (f)	To modify the special permit to clarify Operational Controls paragraph 9a regarding authorized aircraft.
15062–M	.....	Ryan Air Inc ..... Anchorage, AK	49 CFR 173.302 (f)(3) and (f)(4) and 173.304 (f)(3) and (f)(4).	To modify the special permit to authorize the removal of the maximum weight restriction on aircraft; to authorize dual-pilot crews to transport oxygen cylinders; and to allow leased aircraft to carry oxygen cylinders.
15075–M	.....	Lynden Air Cargo ..... Anchorage, AK	49 CFR 173.302 (f)(3) and (f)(4) and 173.304 (f)(3) and (f)(4).	To modify the special permit to clarify Operational Controls paragraph 9a regarding authorized aircraft.
15077–M	.....	Frontier Flying Service, Inc. Fairbanks, AK	49 CFR 173.302 (f)(3) and (f)(4) and 173.304 (f)(3) and (f)(4).	To modify the special permit to authorize dual pilots to authorize passenger carrying aircraft and to clarify authorized aircraft.
15078–M	.....	Spernak Airways ..... Anchorage, AK	49 CFR 173,302 (f)(3) and (f)(4) and 173.304 (f)(3) and (f)(4).	To modify the special permit to clarify Operational Controls paragraph 9a regarding authorized aircraft.

[FR Doc. 2010–28740 Filed 11–15–10; 8:45 am]

BILLING CODE 4909–60–M

DEPARTMENT OF TRANSPORTATION

Pipeline And Hazardous Materials Safety Administration

Office of Hazardous Materials Safety; Notice of Application for Special Permits

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: List of Applications for Special Permits.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. Each mode of transportation for which a particular special permit is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before December 16, 2010.

Address Comments To: Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Records Center, East Building, PHH–30, 1200 New Jersey Avenue, S.E., Washington DC or at *http://regulations.gov.*

This notice of receipt of applications for special permit is published in accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on November 9, 2010.

Donald Burger,

Chief, Special Permits and Approvals Branch.

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of special permits thereof
15165–N	.....	Kidde Aerospace & Defense Wilson, NC.	49 CFR 173.302, 173.302a, and 178.47.	To authorize the Aerospace 173.302a, and manufacture, marking, & Defense 178.47 sale, and use of non-DOT WILSON, NC specification cylinders similar to DOT 4DS cylinders for use as fire extinguishers aboard aircraft. (modes 1, 2, 3, 4, 5).
15166–N	.....	Papillon Airways, Inc. Grand Canyon, AZ.	49 CFR 172.101 Column 8(c), 173.241 and 173.242.	To authorize the transportation in commerce of gasoline in non-Dot specification containers when transported in sling load operations. (mode 4).
15179–N	.....	Digital Wave Corporation Englewood, CO.	49 CFR 180.209	To authorize the transportation in commerce of certain hazardous materials in DOT Specification 3AL cylinders manufactured from aluminum alloy 6061–T6 that are requalified every ten years rather than every five years using 100% ultrasonic examination. (modes 1, 2, 3, 4, 5).

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of special permits thereof
15180–N		Roche Diagnostics Corporation Indianapolis, IN.	49 CFR 173.242(e)(1)	To authorize the transportation in commerce of certain PG II corrosive liquids in UN 50G fiberboard large packagings by motor vehicle. (mode 1).
15181–N		JBI Helicopter	49 CFR 172.101 Column (9B), 172.204(c)(3), 173.27(b)(2), 175.30(a)(1), 172.200, 172.300 and 172.400.	To authorize the transportation in commerce of certain hazardous materials by external load on helicopter in remote areas of the US without being subject to hazard communication requirements and quantity limitations where no other means of transportation is available. (mode 4).
15182–N		BASF Corporation Florham Park, NJ.	49 CFR 73.4a(b)	To authorize the transportation in commerce of an Oxidizing solid, water-reactive as an excepted quantity. (modes 1, 2, 4).
15183–N		Jack Oldham Oil Co. Inc	49 CFR 173.315(m)	To authorize the transportation in commerce of anhydrous ammonia in non-DOT specification cargo tanks (nurse tanks) when transported to refineries for purposes of pollution control by motor vehicle within a 50 mile radius. (mode 1).

[FR Doc. 2010–28739 Filed 11–15–10; 8:45 am]
BILLING CODE 4909–60–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2010–0154]

Terrafugia, Inc.; Receipt of Application for Temporary Exemption From Requirements for Tire Selection and Rims for Motor Vehicles FMVSS No. 110, Electronic Stability Control Systems FMVSS No. 126, Glazing Materials FMVSS No. 205, and Occupant Crash Protection FMVSS No. 208

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice of receipt of petition for temporary exemption and request for comments.

SUMMARY: In accordance with the procedures in 49 CFR Part 555, Terrafugia, Inc. (“Terrafugia”), has petitioned the agency for a temporary exemption from certain FMVSS requirements for the Transition®, a Light Sport Aircraft that has road-going capability. Terrafugia seeks exemption from the FMVSS requirements for tire selection and rims for motor vehicles (FMVSS No. 110), electronic stability control systems (FMVSS No. 126), glazing materials (FMVSS No. 205), and occupant crash protection, specifically advanced air bags (FMVSS No. 208). The basis for the application is that compliance would cause substantial economic hardship to a manufacturer that has tried in good faith to comply with the standard.

NHTSA is publishing this notice of receipt of an application for temporary exemption and providing an opportunity to comment in accordance with the requirements of 49 U.S.C. § 30113(b)(2). NHTSA has not made any judgment on the merits of the application.

DATES: You should submit your comments not later than December 16, 2010.

FOR FURTHER INFORMATION CONTACT: William Shakely, Office of the Chief Counsel, NCC–112, National Highway Traffic Safety Administration, 1200 New Jersey Avenue, SE., West Building 4th Floor, Room W41–318, Washington, DC 20590. *Telephone:* (202) 366–2992; *Fax:* (202) 366–3820.

COMMENTS: We invite you to submit comments on the application described above. You may submit comments identified by docket number at the heading of this notice by any of the following methods:

- *Online:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments on the electronic docket site by clicking on “Help” or “FAQs.”
- *Fax:* 1–202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Instructions: All submissions must include the agency name and docket number. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. *Please see* the Privacy Act discussion below. We will consider all comments received before the close of business on the comment closing date indicated above. To the extent possible, we will also consider comments filed after the closing date.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* at any time or to 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. *Telephone:* (202) 366–9826.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT’s complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit *http://www.dot.gov/privacy.html.*

Confidential Business Information: If you wish to submit any information under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Chief Counsel, NHTSA, at the address given under **FOR FURTHER INFORMATION CONTACT**. In addition, you should submit two copies, from which you have deleted the claimed confidential business information, to Docket Operations at the address given above. When you send a comment containing information claimed to be confidential business information, you should include a cover letter setting forth the information specified in our confidential business information regulation (49 CFR Part 512).

SUPPLEMENTARY INFORMATION:

I. Overview of Terrafugia, Inc. and Its Petition for an Economic Hardship Exemption

In accordance with 49 U.S.C. 30113 and the procedures in 49 CFR Part 555, Terrafugia has petitioned (dated July 20, 2010) the agency for a temporary exemption from certain FMVSS requirements for the Transition®, a Light Sport Aircraft that has road-going capability. Terrafugia seeks an exemption from requirements for tire selection and rims for motor vehicles (FMVSS No. 110), electronic stability control systems (FMVSS No. 126), glazing materials (FMVSS No. 205), and advanced air bags (FMVSS No. 208). The basis for the application is that compliance would cause substantial economic hardship to the manufacturer who has tried in good faith to comply with the standard. Terrafugia has requested a three-year hardship exemption. A copy of the petition is available for review and has been placed in the docket of this notice.[1]

According to the petition, Terrafugia is a small, privately held company that was incorporated in the state of Delaware in 2006, and maintains headquarters in Woburn, Massachusetts. Terrafugia states that the company employs ten full-time employees. The company identifies itself as a Massachusetts Institute of Technology (MIT) spin-off company, but states that it does not have access to MIT's financial resources. The company also states that it is not affiliated with any other aircraft or automobile manufacturer.

Terrafugia has designed and built the first prototype of the Transition®, which it describes as a "Roadable Aircraft." Terrafugia characterizes the Transition® as a Light Sport Aircraft (LSA), as defined by the Federal Aviation Administration (FAA), and states that the road-going capability in the aircraft will "provide a significant increase in operational functionality and safety for the General Aviation pilot community by allowing pilots to safely continue their travel plans in the event of inclement weather."[2]

To date, Terrafugia has not produced any vehicles for sale, but intends to begin delivery of the Transition® in 2011 and anticipates producing 200 aircraft during the three-year requested exemption period. Terrafugia states that it expects to remain a low-volume manufacturer for the foreseeable future, continuing to market the Transition® as an aircraft with road-going capability, not as a "flying car." Thus, the primary market for the Transition® will be U.S. pilots.

The agency has not made any judgment on the eligibility of the petitioner or the merits of the application, and is placing a non-confidential copy of the petition in the docket. In accordance with 49 U.S.C. 30113(b)(2), NHTSA invites comments on the subject petition as discussed in the "COMMENTS" section of this notice. After considering public comments and other available information, the agency will publish a notice of final action on the application in the **Federal Register**.[3]

II. Statutory Basis for Requested Part 555 Exemption

The National Traffic and Motor Vehicle Safety Act, as amended, codified as 49 U.S.C. Chapter 301, provides the Secretary of Transportation authority to exempt, on a temporary basis and under specified circumstances, motor vehicles from a motor vehicle safety standard or bumper standard. This authority is set forth at 49 U.S.C. 30113. The Secretary has delegated the authority for this section to NHTSA.[4]

NHTSA established part 555, *Temporary Exemption from Motor Vehicle Safety and Bumper Standards,* to implement the statutory provisions concerning temporary exemptions. Vehicle manufacturers may apply for temporary exemptions on several bases, one of which is that compliance would cause substantial economic hardship to a manufacturer that has tried in good faith to comply with the standard.

A petitioner must provide specified information in submitting a petition for exemption.[5] Foremost among these requirements are that the petitioner must set forth the basis of the application under § 555.6, and the reasons why the exemption would be in the public interest and, as applicable, consistent with the objectives of 49 U.S.C. Chapter 301.

A manufacturer is eligible to apply for a hardship exemption if its total motor vehicle production in its most recent year of production did not exceed 10,000 vehicles, as determined by the NHTSA Administrator.[6] In determining whether a manufacturer of a vehicle meets that criterion, NHTSA considers whether a second vehicle manufacturer also might be deemed the manufacturer of that vehicle.

Finally, while 49 U.S.C. 30113(b) states that exemptions from a Federal motor vehicle safety standard prescribed under Chapter 301 are to be granted on a "temporary basis," the statute also expressly provides for renewal of an exemption on reapplication.[7] Manufacturers are nevertheless cautioned that the agency's decision to grant an initial petition in no way predetermines that the agency will repeatedly grant renewal petitions. Exempted manufacturers seeking renewal must bear in mind that the agency is directed to consider financial hardship as but one factor, along with the manufacturer's on-going good faith efforts to comply with the regulation and the public interest among other factors provided in the statute.

III. Terrafugia's Petition for an Economic Hardship Exemption

Terrafugia's basis for the petition is that requiring compliance with the stated provisions "would cause substantial economic hardship to a manufacturer that has tried to comply with the standard in good faith." 49 U.S.C. 30113(b)(3)(B)(i). Terrafugia requests that the exemption period begin with the first delivery of the Transition® on or near December 2011 and extend for a period of three years. This section broadly discusses Terrafugia's statements of economic hardship and public interest. Please refer to the petition in the docket for more details.

A. Terrafugia's Statement of Economic Hardship

Terrafugia states that the denial of the requested exemption will result in substantial economic hardship. The Transition's® dual-purpose as an aircraft and ground vehicle has necessitated the application of both FAA regulations for LSA and the FMVSS established by NHTSA and applicable to manufacturers of new motor vehicles and motor vehicle equipment. Terrafugia contends that "it is not always possible to completely merge the two regulations without compromising safety, incurring prohibitive costs, and/or reducing core functionality."[8] For example, in order to comply with the maximum weight requirement of the

[1] To view the petition, go to *http://www.regulations.gov* and enter the docket number set forth in the heading of this document. The company requested confidential treatment under 49 CFR Part 512 for certain business and financial information submitted as part of its petition for temporary exemption. Accordingly, the information placed in the docket does not contain such information that the agency has determined to be confidential.

[2] *See* Terrafugia Petition, p. 3.

[3] 49 U.S.C. 30113(g).

[4] 49 CFR 1.50.

[5] 49 CFR 555.5.

[6] 49 U.S.C. 30113(d).

[7] 49 U.S.C. 30113(b)(1).

[8] Terrafugia Petition, p. 3.

FAA for LSA,[9] Terrafugia calculates that for each pound of weight that can be removed from the aircraft to accommodate additional equipment in conformity with FMVSS, it costs $14,500 per pound [10] in development costs and adds $4,200 [11] to the cost of the aircraft.[12] Terrafugia estimates that the denial of this petition for exemption would double the price point of the Transition®, significantly lowering the demand for the vehicle and, likely, forcing the company to abandon LSA certification and the development of the Transition®.

Terrafugia states that a grant of the requested exemptions would allow the company to continue with LSA certification for the Transition® while pursuing lightweight compliance solutions and researching additional ways of reducing the weight of non-safety critical systems for the aircraft.

B. Terrafugia's Statement of Public Interest

Terrafugia asserts that the requested exemptions are in the public interest because the Transition® will increase the safety of flight for General Aviation (GA) [13] in the United States, contribute to the advancement of technology for light aircraft and light-weight, fuel efficient automobiles, and improve the environment and economy.

According to Terrafugia's petition, one of the most significant causes of GA accidents and fatalities is weather, and a leading cause of weather-related accidents is when pilots flying primarily on visual references find themselves in a situation where those references are compromised, get disoriented, and enter an unrecoverable situation that results in an often fatal accident.[14] According to Terrafugia, the Transition® offers a new alternative to pilots, which allows them to divert to the nearest airport and continue the trip on the ground. Although the trip may take longer, Terrafugia states that the Transition® is expected to eliminate the possibility of an indeterminately long delay caused by either retracing the flight route to clearer weather or diverting and waiting for the weather to pass. Terrafugia expects that the Transition® will contribute to significantly reducing a major source of fatal aviation accidents, while also making GA more appealing and accessible to a greater number of people. Additionally, because the Transition® is equipped with basic FMVSS occupant crash protection features, it is advancing passenger safety technology in light aircraft.

The Transition® uses an FAA certified, four cylinder, 100 horsepower, unleaded gasoline-fueled aircraft engine to power the vehicle both in the air and on the ground. Terrafugia contends that the use of unleaded gasoline will provide "significant ecological and energy benefits," as compared to the leaded gasoline used in other GA aircraft. Terrafugia also envisions that one day a future version of the Transition® may play a role in reducing highway congestion and CO_2 emissions by enabling more people to shift from highway-based travel to a combination of flight and road use for mid-range trips. Terrafugia expects that the Transition® will cruise in the air at approximately 105 miles per hour and maintain highway speeds on the ground, while attaining between 25 and 40 miles per gallon in flight and on the road. Terrafugia anticipates that the Transition® will only be operated on public roadways in conjunction with a flight. The company expects that the typical recreational owner will operate the vehicle as an aircraft for at least 65 percent of its engine-on-time, with less than 2,000 miles of road driven annually. Terrafugia contends that the combination of low sales volume and limited use on roadways limits the Transition's® overall impact on motor vehicle safety.

Terrafugia also anticipates that by 2015 the production of the Transition® will provide 500 manufacturing, engineering, and support jobs to the U.S. economy.

IV. Terrafugia's Requested Temporary Exemptions

As always, we are concerned about the potential safety implication of any temporary exemption granted by this agency. In the present case, we are addressing a petition submitted for a temporary exemption from FMVSS requirements pertaining to tire and rim selection, electronic stability control (ESC), glazing materials, and advanced air bags. According to the petition, the three-year requested exemption period will give the petitioner, Terrafugia, the needed time and revenue to reach compliant solutions.

A. FMVSS No. 110, Tire Selection and Rims and Motor Home/Recreation Vehicle Trailer Load Carrying Capacity Information for Motor Vehicles With a GVWR of 4,536 Kilograms (10,000 pounds) or Less, Sections S4.1, S4.4 [15]

Terrafugia seeks an exemption from the tire and rim requirements of FMVSS No. 110 S4.1 (general requirements), S4.4 (rim requirements). Terrafugia states that compliance with the tire and rim requirements for motor vehicles with a gross weight rating of 4,536 kilograms or less would cause substantial economic hardship, and that Terrafugia has tried to comply with the standard in good faith. Terrafugia intends on using tires and rims with proper load and speed ratings that are certified for motorcycle use. *See* 49 CFR 571.119. The company states that the lighter motorcycle tire and rim combination would provide an equivalent level of safety as tires certified for traditional passenger vehicles, while allowing for a weight savings of 25 pounds (11.3 kg). Terrafugia successfully flight tested the proposed tires for takeoff and landing operations in spring 2009 and plans to conduct further tests to include handling and braking.

B. FMVSS No. 126, Electronic Stability Control Systems [16]

Terrafugia seeks an exemption from the electronic stability control (ESC) systems requirements of FMVSS No. 126. ESC systems employ automatic computer-controlled braking of individual wheels to assist the driver in maintaining control in critical driving situations.[17] NHTSA's crash data study shows that ESC systems reduce the number of fatal single-vehicle crashes of passenger cars and sport utility vehicles (SUVs). NHTSA also estimates that ESC has the potential to prevent 70 percent of the fatal passenger car rollovers and 88 percent of the fatal SUV rollovers that would otherwise occur in single-vehicle crashes.[18]

Terrafugia states that it faces two challenges with an off-the-shelf ESC unit. First, an ESC system would add

[9] Terrafugia obtained a partial grant of exemption from the FAA (FAA Docket No. FAA–2009–1087), allowing the Transition® to have a maximum takeoff weight (MTOW) of 1,430 pounds (650 kg) instead of the general MTOW requirement of 1,320 pounds (600 kg).

[10] Terrafugia explains that this is based on the experience of removing weight between the Proof of Concept vehicle to the prototype and the fact that as more and more weight must be removed, it becomes increasingly more difficult to do so.

[11] Terrafugia explains that this figure is based on identified cost vs. weight trade-offs, such as material replacement, and a minimal margin.

[12] Terrafugia notes that there is a physical limitation as to how much weight can be removed from the vehicle, at any cost, before it is no longer capable of safely performing its function. The dollar values provided by Terrafugia are applicable until that limit is reached, past which very little can be done at any price and the product is no longer viable.

[13] Terrafugia explains that General Aviation is the segment of the air transportation industry characterized by flight outside of the commercial airline system and military operations.

[14] Terrafugia Petition, p. 22.

[15] 49 CFR 571.110.

[16] 49 CFR 571.126.

[17] 73 FR 54526, 54527 (September 22, 2008).

[18] *Id.*

6 pounds of weight to the Transition® (*i.e.,* assuming weight could not be removed elsewhere in the vehicle). Second, an ESC system poses a flight risk because by design an ESC system may automatically cut the engine power when activated in a vehicle, which would create a single point failure that could shut down the Transition's® engine in flight. Terrafugia believes that this additional flight risk outweighs the benefit of the ESC system to braking performance on the ground. Terrafugia states that it currently does not have the technical or financial resources to independently develop an ESC system for its dual purpose vehicle and, to date, potential vendors have been unwilling to provide an ESC system for use on the Transition® because it is an aircraft.

C. FMVSS No. 205, Glazing Materials, Section S5 [19]

Terrafugia seeks an exemption from the glazing material requirements of FMVSS No. 205, S5 ("Requirements"), which affect the Transition's® windshield and side windows. Terrafugia states that installing compliant glazing materials, such as traditional laminated safety glass, would result in a weight penalty of 29 pounds (13.2 kg). The company contends that it may not be able to remove this additional weight without compromising the safety of existing crash protection structures. Further, Terrafugia states that traditional automotive glazing materials, when subjected to loading similar to a bird strike in flight, either shatter, exposing the occupants to the free-stream air, or craze to a level that would substantially inhibit the pilots view.

Alternatively, Terrafugia plans to install polycarbonate glazing material, which is normally used in aircraft, and withstands aircraft bird strikes well. According to the petition, the polycarbonate material has passed intrusion tests without cracking, but Terrafugia is still pursuing options for scratch-resistant coating that can be certified to tier 1 glass.[20] In the meantime, Terrafugia intends to require that the Transition's® windshield be subject to regular inspections and contends that Transition® owners, as pilots, already are accustomed to strict maintenance standards. Terrafugia states that the exemption period will allow it to continue working on the capacity of modern coated polycarbonate glazing materials to be certified to the FMVSS requirements.

D. FMVSS No. 208, Occupant Crash Protection, Section S14 (Advanced Air Bags) [21]

Terrafugia seeks an exemption from the advanced air bag requirements of FMVSS No. 208 (S14) because the company currently does not have the financial resources to design and install an advanced air bag system. The company, however, intends to install basic air bags in the Transition®. Terrafugia states that the Transition® also will be equipped with a carbon fiber omega beam "safety cage" surrounding the passenger compartment, energy-absorbing crush structures, seat belts, and other necessary passenger safety equipment not traditionally installed in LSA. According to the petition, Terrafugia anticipates using the sales revenue to pursue the development of an advanced air bag system, ideally one that would be able to differentiate between the needs of an automotive crash and an aviation crash.

V. Request for Comments

We are providing a 30-day comment period and instructions for submitting comments are described in the "COMMENTS" section of this notice. As described in Terrafugia's petition, the Transition® offers a pilot an alternative mode of transportation during periods of inclement weather, allowing the pilot to drive on roads rather than fly the vehicle. Given the safety features for which Terrafugia seeks exemption, NHTSA specifically seeks comment on whether the safety benefits of reducing weather-related accidents for flights of the Transition® in inclement weather outweigh the safety risks associated with road use of the Transition® in inclement weather. NHTSA further seeks comment on the likelihood that a child would be a passenger in the Transition® (*i.e.,* there is one front passenger seat and no rear seats) to evaluate the safety risks posed by noncompliance with the advanced air bag requirements.

Issued on: November 9, 2010.

Nathaniel Beuse,

Director, Office of Crash Avoidance Standards.

[FR Doc. 2010–28732 Filed 11–15–10; 8:45 am]

BILLING CODE 4910–59–P

[19] 49 CFR 571.205.

[20] We assume Terrafugia is referring to certification as Item 1 glazing, or traditional laminated safety glass.

[21] 49 CFR 571.208.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Consensus Standards, Light-Sport Aircraft

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of availability; request for comments.

SUMMARY: This notice announces the availability of seven revised consensus standards to previously accepted consensus standards relating to the provisions of the Sport Pilot and Light-Sport Aircraft rule issued July 16, 2004, and effective September 1, 2004. ASTM International Committee F37 on Light Sport Aircraft developed the revised standards with Federal Aviation Administration (FAA) participation. By this notice, the FAA finds the revised standards acceptable for certification of the specified aircraft under the provisions of the Sport Pilot and Light-Sport Aircraft rule.

DATE: Comments must be received on or before January 18, 2011.

ADDRESSES: Comments may be mailed to: Federal Aviation Administration, Small Airplane Directorate, Programs and Procedures Branch, ACE–114, Attention: Terry Chasteen, Room 301, 901 Locust, Kansas City, Missouri 64106. Comments may also be e-mailed to: *9-ACE-AVR-LSA-Comments@faa.gov.* All comments must be marked: Consensus Standards Comments, and must specify the standard being addressed by ASTM designation and title.

FOR FURTHER INFORMATION CONTACT: Terry Chasteen, Light-Sport Aircraft Program Manager, Programs and Procedures Branch (ACE–114), Small Airplane Directorate, Aircraft Certification Service, Federal Aviation Administration, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone (816) 329–4147; e-mail: *terry.chasteen@faa.gov.*

SUPPLEMENTARY INFORMATION: This notice announces the availability of seven revised consensus standards to previously accepted consensus standards relating to the provisions of the Sport Pilot and Light-Sport Aircraft rule. ASTM International Committee F37 on Light Sport Aircraft developed the new and revised standards. The FAA expects a suitable consensus standard to be reviewed at least every two years. The two-year review cycle will result in a standard revision or reapproval. A standard is issued under a fixed designation (*i.e.,* F2244); the

number immediately following the designation indicates the year of original adoption or, in the case of revision, the year of last revision. A number in parentheses indicates the year of last reapproval. A reapproval indicates a two-year review cycle completed with no technical changes. A superscript epsilon (ε) indicates an editorial change since the last revision or reapproval. A notice of availability (NOA) will only be issued for new or revised standards. Reapproved standards issued with no technical changes or standards issued with editorial changes only (*i.e.,* superscript epsilon (ε)) are considered accepted by the FAA without need for a NOA.

Comments Invited: Interested persons are invited to submit such written data, views, or arguments, as they may desire. Communications should identify the consensus standard number and be submitted to the address specified above. All communications received on or before the closing date for comments will be forwarded to ASTM International Committee F37 for consideration. The standard may be changed in light of the comments received. The FAA will address all comments received during the recurring review of the consensus standard and will participate in the consensus standard revision process.

Background: Under the provisions of the Sport Pilot and Light-Sport Aircraft rule, and revised Office of Management and Budget (OMB) Circular A–119, "Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities", dated February 10, 1998, industry and the FAA have been working with ASTM International to develop consensus standards for light-sport aircraft. These consensus standards satisfy the FAA's goal for airworthiness certification and a verifiable minimum safety level for light-sport aircraft. Instead of developing airworthiness standards through the rulemaking process, the FAA participates as a member of Committee F37 in developing these standards. The use of the consensus standard process assures government and industry discussion and agreement on appropriate standards for the required level of safety.

Comments on Previous Notices of Availability

In the Notice of Availability (NOA) issued on October 1, 2009, and published in the **Federal Register** on October 15, 2009, the FAA asked for public comments on the new and revised consensus standards accepted by that NOA. The comment period closed on December 14, 2009. No public comments were received regarding the standards accepted by this NOA.

Consensus Standards in This Notice of Availability

The FAA has reviewed the standards presented in this NOA for compliance with the regulatory requirements of the rule. Any light-sport aircraft issued a special light-sport airworthiness certificate, which has been designed, manufactured, operated and maintained in accordance with this and previously accepted ASTM consensus standards, provides the public with the appropriate level of safety established under the regulations. Manufacturers who choose to produce these aircraft and certificate these aircraft under 14 CFR part 21, §§ 21.190 or 21.191 are subject to the applicable consensus standard requirements. The FAA maintains a listing of all accepted standards on the FAA Web site.

The Revised Consensus Standard and Effective Period of Use

The following previously accepted consensus standards have been revised, and this NOA is accepting the later revision. Either the previous revision or the later revision may be used for the initial certification of special light-sport aircraft until May 11, 2011. This overlapping period of time will allow aircraft that have started the initial certification process using the previous revision level to complete that process. After May 11, 2011, manufacturers must use the later revision and must identify the later revision in the Statement of Compliance for initial certification of special light-sport aircraft unless the FAA publishes a specific notification otherwise. The following Consensus Standards may not be used after May 11, 2011:

ASTM Designation F2244–08, titled: Standard Specification for Design of Powered Parachute Aircraft.

ASTM Designation F2317/F2317M–05, titled: Standard Specification for Design of Weight-Shift-Control Aircraft.

ASTM Designation F2352–05, titled: Standard Specification for Design and Performance of Light Sport Gyroplane Aircraft.

ASTM Designation F2355–05a, titled: Standard Specification for Design and Performance Requirements for Lighter-Than-Air Light Sport Aircraft.

ASTM Designation F2415–06, titled: Standard Practice for Continued Airworthiness System for Light Sport Gyroplane Aircraft.

ASTM Designation F2449–05, titled: Standard Specification for Manufacturer Quality Assurance Program for Light Sport Gyroplane Aircraft.

ASTM F2564–06, titled: Standard Specification for Design and Performance of a Light Sport Glider.

The Consensus Standards

The FAA finds the following revised consensus standards acceptable for certification of the specified aircraft under the provisions of the Sport Pilot and Light-Sport Aircraft rule. The following consensus standards may be used unless the FAA publishes a specific notification otherwise:

a. ASTM Designation F2244–10, titled: Standard Specification for Design of Powered Parachute Aircraft.

b. ASTM Designation F2317/F2317M–10, titled: Standard Specification for Design of Weight-Shift-Control Aircraft.

c. ASTM Designation F2352–09, titled: Standard Specification for Design and Performance of Light Sport Gyroplane Aircraft.

d. ASTM Designation F2355–10, titled: Standard Specification for Design and Performance Requirements for Lighter-Than-Air Light Sport Aircraft.

e. ASTM Designation F2415–09, titled: Standard Practice for Continued Airworthiness System for Light Sport Gyroplane Aircraft.

f. ASTM Designation F2449–09, titled: Standard Specification for Manufacturer Quality Assurance Program for Light Sport Gyroplane Aircraft.

g. ASTM F2564–10, titled: Standard Specification for Design and Performance of a Light Sport Glider.

Availability

These consensus standards are copyrighted by ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428–2959. Individual reprints of a standard (single or multiple copies, or special compilations and other related technical information) may be obtained by contacting ASTM at this address, or at (610) 832–9585 (phone), (610) 832–9555 (fax), through *service@astm.org* (e-mail), or through the ASTM Web site at *http://www.astm.org.* To inquire about standard content and/or membership, or about ASTM International Offices abroad, contact Daniel Schultz, Staff Manager for Committee F37 on Light Sport Aircraft: (610) 832–9716, *dschultz@astm.org.*

Issued in Kansas City, Missouri, on November 4, 2010.

James E. Jackson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2010–28759 Filed 11–15–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35425]

Tennessee Southern Railroad Company, Patriot Rail, LLC, Patriot Rail Holdings LLC, and Patriot Rail Corp.—Continuance in Control Exemption—Columbia & Cowlitz Railway, LLC, DeQueen and Eastern Railroad, LLC, Golden Triangle Railroad, LLC, Mississippi & Skuna Valley Railroad, LLC, Patriot Woods Railroad, LLC, and Texas, Oklahoma & Eastern Railroad, LLC

Tennessee Southern Railroad Company (TSRR), Patriot Rail, LLC (PRL), and its subsidiaries Patriot Rail Holdings LLC (PRH), and Patriot Rail Corp. (Patriot) (collectively, parties), have filed a verified notice of exemption to continue in control of Columbia & Cowlitz Railway, LLC (CLC), DeQueen and Eastern Railroad, LLC (DQE), Golden Triangle Railroad, LLC (GTRA), Mississippi & Skuna Valley Railroad, LLC (MSV), Patriot Woods Railroad, LLC (PAW), and Texas, Oklahoma & Eastern Railroad, LLC (TOE) upon their becoming Class III rail carriers.

This transaction is related to 6 concurrently filed verified notices of exemption, as follows: Docket No. FD 35426, *Columbia & Cowlitz Railway, LLC—Acquisition and Operation Exemption—Columbia & Cowlitz Railway Company,* wherein CLC seeks to acquire and operate approximately 8.5 miles of rail line between Longview, milepost 0.0, and Ostrander Junction, milepost 8.5, including auxiliary and spur tracks, in Cowlitz County, Wash.; Docket No. FD 35427, *DeQueen and Eastern Railroad, LLC—Acquisition and Operation Exemption—DeQueen and Eastern Railroad Company,* wherein DQE seeks to acquire and operate approximately 47 miles of rail line between the Oklahoma-Arkansas state border, milepost 40.0, and Perkins, Ark., milepost 87.0, including auxiliary, temporary storage, and spur tracks, in Howard and Sevier Counties, Ark.; Docket No. FD 35428, *Golden Triangle Railroad, LLC—Acquisition and Operation Exemption—Golden Triangle Railroad Company,* wherein GTRA seeks to acquire and operate approximately 8.6 miles of rail line between Trinity, Miss., milepost 8.6, and Triangle Jct., Miss, milepost 0.0, including the side track at Bell Avenue, in Lowndes County, Miss.; Docket No. FD 35429, *Mississippi & Skuna Valley Railroad, LLC—Acquisition and Operation Exemption—Mississippi & Skuna Valley Railroad Company,* wherein MSV seeks to acquire and operate approximately 21 miles of rail line between Bruce Junction, milepost 21.0, and Bruce, milepost 0.0, in Yalobusha and Calhoun Counties, Miss.; Docket No. FD 35430, *Texas, Oklahoma & Eastern Railroad, LLC—Acquisition and Operation Exemption—Texas, Oklahoma & Eastern Railroad Company,* wherein TOE seeks to acquire and operate approximately 40 miles of rail line between the Oklahoma-Arkansas state border, milepost 40.0, and Valliant, Okla., milepost 0.0, including auxiliary, storage, and spur tracks, in McCurtain County, Okla.; and Docket No. FD 35431, *Patriot Woods Railroad, LLC—Acquisition and Operation Exemption—Weyerhaeuser NR Company, Weyerhaeuser Woods Railroad Operating Division,* wherein PAW seeks to acquire and operate approximately 21.5 miles of rail line between the connection with the Columbia & Cowlitz Railway Company at Ostrander Junction, milepost 8.5, and Green Mountain, milepost 30.0, including auxiliary and temporary storage tracks, in Cowlitz County, Wash.

The parties intend to consummate the transaction on or after December 21, 2010.

PRL and its subsidiaries, including CLC, DQE, GTRA, MSV, PAW, and TOE, entered into an Asset Purchase Agreement (Agreement) dated July 21, 2010, with Weyerhaeuser NR Company (Weyerhaeuser) and Weyerhaeuser's subsidiaries, Columbia & Cowlitz Railway Company, DeQueen and Eastern Railroad Company, Golden Triangle Railroad Company, Mississippi & Skuna Valley Railroad Company, and Texas, Oklahoma & Eastern Railroad Company to acquire substantially all of the assets of the Weyerhaeuser subsidiaries, and the assets of Weyerhaeuser Woods Railroad, a noncarrier operating division of Weyerhaeuser. The Agreement was filed under seal in this docket on October 28, 2010.[1]

TSRR is a subsidiary of PRL, PRH, and Patriot and does not control any other railroad subsidiaries. PRL is a noncarrier limited liability company that owns not less than 51% of the equity interests in PRH, which owns 100% of the stock of Patriot. Patriot is a noncarrier holding company that owns 100% of the stock of 7 Class III railroads: Tennessee Southern Railroad Company (TSRR); Rarus Railway Company (Rarus); Utah Central Railway Company (Utah); Sacramento Valley Railroad, Inc. (SAVR); Louisiana and North West Railroad Company LLC (L&NW); Temple & Central Texas Railway, Inc. (TC); and Piedmont & Northern Railway, Inc. (P&N). Patriot also owns 100% of the stock of the noncarrier subsidiaries CLC, DQE, GTRA, MSV, PAW, and TOE.

PRL, PRH, and Patriot state that they have successfully managed short line railroads for more than a decade and that they intend to use that experience and expertise and their financial resources to provide rail freight service to communities and industries that wish to have additional transportation options. They also intend to make CLC, DQE, GTRA, MSV, PAW, and TOE financially viable railroads.

The parties represent that: (1) The rail lines to be operated by CLC, DQE, GTRA, MSV, PAW, and TOE will not connect with any of the subsidiary railroads of PRL, PRH, and Patriot; (2) the acquisition of CLC, DQE, GTRA, MSV, PAW, and TOE is not intended to connect with any railroads in the corporate family of PRL, PRH, and Patriot[2]; and (3) the transaction does not involve a Class I carrier. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. *See* 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Accordingly, the Board may not impose labor protective conditions here because all of the carriers involved are Class III carriers.

If the verified notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Stay petitions must be filed no later than November 19, 2010 (at least 7 days before the exemption becomes effective).

[1] A motion for protective order was filed on October 27, 2010. The motion is being addressed in a separate decision.

[2] TSRR's lines are located in Tennessee and Alabama, Rarus' lines are located in Montana, Utah's lines are located in Utah, SAVR's lines are located in California, L&NW's lines are located in Arkansas and Louisiana, TC's lines are located in Texas, and P&N's lines are located in North Carolina. As noted, CLC will operate lines in southwestern Washington, DQE will operate lines in southwestern Arkansas, GTRA will operate lines in northeastern Mississippi, MSV will operate lines in north central Mississippi, PAW will operate lines in southwestern Washington, and TOE will operate lines in eastern Oklahoma.

An original and 10 copies of all pleadings, referring to Docket No. FD 35425, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov.*

Decided: November 10, 2010.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2010–28828 Filed 11–15–10; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA–2010–0288]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt thirty-two individuals from its rule prohibiting persons with insulin-treated diabetes mellitus (ITDM) from operating commercial motor vehicles (CMVs) in interstate commerce. The exemptions will enable these individuals to operate CMVs in interstate commerce.

DATES: The exemptions are effective November 16, 2010. The exemptions expire on November 16, 2012.

FOR FURTHER INFORMATION CONTACT: Dr. Mary D. Gunnels, Director, Medical Programs, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Room W64–224, Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy Act: Anyone may search the electronic form of all comments received into any of DOT's dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, or other entity). You may review DOT's Privacy Act Statement for the Federal Docket Management System (FDMS) published in the **Federal Register** on January 17, 2008 (73 FR 3316), or you may visit *http://edocket.access.gpo.gov/2008/pdf/E8-785.pdf.*

Background

On September 28, 2010, FMCSA published a notice of receipt of Federal diabetes exemption applications from thirty-two individuals and requested comments from the public (75 FR 59788). The public comment period closed on October 28, 2010 and no comments were received.

FMCSA has evaluated the eligibility of the thirty-two applicants and determined that granting the exemptions to these individuals would achieve a level of safety equivalent to, or greater than, the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(3).

Diabetes Mellitus and Driving Experience of the Applicants

The Agency established the current standard for diabetes in 1970 because several risk studies indicated that drivers with diabetes had a higher rate of crash involvement than the general population. The diabetes rule provides that "A person is physically qualified to drive a commercial motor vehicle if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control" (49 CFR 391.41(b)(3)).

FMCSA established its diabetes exemption program, based on the Agency's July 2000 study entitled "A Report to Congress on the Feasibility of a Program to Qualify Individuals with Insulin-Treated Diabetes Mellitus to Operate in Interstate Commerce as Directed by the Transportation Act for the 21st Century." The report concluded that a safe and practicable protocol to allow some drivers with ITDM to operate CMVs is feasible.

The September 3, 2003 (68 FR 52441) **Federal Register** notice in conjunction with the November 8, 2005 (70 FR 67777) **Federal Register** notice provides the current protocol for allowing such drivers to operate CMVs in interstate commerce.

These thirty-two applicants have had ITDM over a range of 1 to 40 years. These applicants report no severe hypoglycemic reactions resulting in loss of consciousness or seizure, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning symptoms, in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the past 5 years. In each case, an endocrinologist verified that the driver has demonstrated a willingness to properly monitor and manage his/her diabetes mellitus, received education related to diabetes management, and is on a stable insulin regimen. These drivers report no other disqualifying conditions, including diabetes-related complications. Each meets the vision standard at 49 CFR 391.41(b)(10).

The qualifications and medical condition of each applicant were stated and discussed in detail in the September 28, 2010, **Federal Register** notice and they will not be repeated in this notice.

Discussion of Comments

FMCSA did not receive any comments in this proceeding.

Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the diabetes standard in 49 CFR 391.41(b)(3) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows the applicants to operate CMVs in interstate commerce.

To evaluate the effect of these exemptions on safety, FMCSA considered medical reports about the applicants' ITDM and vision, and reviewed the treating endocrinologists' medical opinion related to the ability of the driver to safely operate a CMV while using insulin.

Consequently, FMCSA finds that in each case exempting these applicants from the diabetes standard in 49 CFR 391.41(b)(3) is likely to achieve a level of safety equal to that existing without the exemption.

Conditions and Requirements

The terms and conditions of the exemption will be provided to the applicants in the exemption document and they include the following: (1) That each individual submit a quarterly monitoring checklist completed by the treating endocrinologist as well as an annual checklist with a comprehensive

medical evaluation; (2) that each individual reports within 2 business days of occurrence, all episodes of severe hypoglycemia, significant complications, or inability to manage diabetes; also, any involvement in an accident or any other adverse event in a CMV or personal vehicle, whether or not it is related to an episode of hypoglycemia; (3) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (4) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

Conclusion

Based upon its evaluation of the thirty-two exemption applications, FMCSA exempts, Shale W. Anderson, Charles L. Arnburg, Ronald D. Ayers, Kenneth F. Blessing, Ronald A. Boyle, Garrett D. Couch, Stanley P. Eickhoff, Peter B. Galvin, Mark W. Garver, Richard S. Jackson, Alfred K. Kataoka, Donald S. Keller, Edwin I. Longstreth, Jason M. Luper, Craig S. Lynn, George M. Michael, Jr., Thomas J. Millard, Travis F. Moon, Kenneth M. Pachniak, Robert M. Pardoe, James A. Patchett, Joseph D. Pfandner, Harold L. Phillips, William Rhoten, Jr., Heath A. Senkel, Ronald R. Unruh, Norman J. Vantuyle, II., Danny E. Vawn, John M. Warden, Donald E. Weadon, Douglas W. Williams, Thomas A. Woehrle from the ITDM standard in 49 CFR 391.41(b)(3), subject to the conditions listed under "Conditions and Requirements" above.

In accordance with 49 U.S.C. 31136(e) and 31315 each exemption will be valid for two years unless revoked earlier by FMCSA. The exemption will be revoked if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315. If the exemption is still effective at the end of the 2-year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: November 4, 2010.

Larry W. Minor,

Associate Administrator, Office of Policy and Program Development.

[FR Doc. 2010–28708 Filed 11–15–10; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2010–0201]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 15 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs). The exemptions will enable these individuals to operate commercial motor vehicles (CMVs) in interstate commerce without meeting the prescribed vision standard. The Agency has concluded that granting these exemptions will provide a level of safety that is equivalent to, or greater than, the level of safety maintained without the exemptions for these CMV drivers.

DATES: The exemptions are effective November 16, 2010. The exemptions expire on November 16, 2012.

FOR FURTHER INFORMATION CONTACT: Dr. Mary D. Gunnels, Director, Medical Programs, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue, SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m. Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at *http://www.regulations.gov*.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, *etc.*). You may review DOT's Privacy Act Statement for the FDMS published in the **Federal Register** on January 17, 2008 (73 FR 3316), or you may visit *http://edocket.access.gpo.gov/2008/pdf/E8-785.pdf*.

Background

On September 9, 2010, FMCSA published a notice of receipt of exemption applications from certain individuals, and requested comments from the public (75 FR 54958). That notice listed 15 applicants' case histories. The 15 individuals applied for exemptions from the vision requirement in 49 CFR 391.41(b)(10), for drivers who operate CMVs in interstate commerce.

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for a 2-year period if it finds "such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption." The statute also allows the Agency to renew exemptions at the end of the 2-year period. Accordingly, FMCSA has evaluated the 15 applications on their merits and made a determination to grant exemptions to each of them.

Vision and Driving Experience of the Applicants

The vision requirement in the FMCSRs provides:

A person is physically qualified to drive a commercial motor vehicle if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber (49 CFR 391.41(b)(10)).

FMCSA recognizes that some drivers do not meet the vision standard, but have adapted their driving to accommodate their vision limitation and demonstrated their ability to drive safely. The 15 exemption applicants

listed in this notice are in this category. They are unable to meet the vision standard in one eye for various reasons, including amblyopia, complete loss of vision, loss of an eye, macular scarring and prosthesis. In most cases, their eye conditions were not recently developed. 11 of the applicants were either born with their vision impairments or have had them since childhood. The 4 individuals who sustained their vision conditions as adults have had them for periods ranging from 20 to 29 years.

Although each applicant has one eye which does not meet the vision standard in 49 CFR 391.41(b)(10), each has at least 20/40 corrected vision in the other eye, and in a doctor's opinion, has sufficient vision to perform all the tasks necessary to operate a CMV. Doctors' opinions are supported by the applicants' possession of valid commercial driver's licenses (CDLs) or non-CDLs to operate CMVs. Before issuing CDLs, States subject drivers to knowledge and skills tests designed to evaluate their qualifications to operate a CMV.

All of these applicants satisfied the testing standards for their State of residence. By meeting State licensing requirements, the applicants demonstrated their ability to operate a commercial vehicle, with their limited vision, to the satisfaction of the State. While possessing a valid CDL or non-CDL, these 15 drivers have been authorized to drive a CMV in intrastate commerce, even though their vision disqualified them from driving in interstate commerce. They have driven CMVs with their limited vision for careers ranging from 4 to 45 years. In the past 3 years, 5 of the drivers were involved in crashes or convicted of moving violations in a CMV.

The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the September 9, 2010 notice (75 FR 54958).

Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the vision standard in 49 CFR 391.41(b)(10) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. Without the exemption, applicants will continue to be restricted to intrastate driving. With the exemption, applicants can drive in interstate commerce. Thus, our analysis focuses on whether an equal or greater level of safety is likely to be achieved by permitting each of these drivers to drive in interstate commerce as opposed to restricting him or her to driving in intrastate commerce.

To evaluate the effect of these exemptions on safety, FMCSA considered not only the medical reports about the applicants' vision, but also their driving records and experience with the vision deficiency.

To qualify for an exemption from the vision standard, FMCSA requires a person to present verifiable evidence that he/she has driven a commercial vehicle safely with the vision deficiency for the past 3 years. Recent driving performance is especially important in evaluating future safety, according to several research studies designed to correlate past and future driving performance. Results of these studies support the principle that the best predictor of future performance by a driver is his/her past record of crashes and traffic violations. Copies of the studies may be found at Docket Number FMCSA–1998–3637.

We believe we can properly apply the principle to monocular drivers, because data from the Federal Highway Administration's (FHWA) former waiver study program clearly demonstrate the driving performance of experienced monocular drivers in the program is better than that of all CMV drivers collectively (*See* 61 FR 13338, 13345, March 26, 1996). The fact that experienced monocular drivers demonstrated safe driving records in the waiver program supports a conclusion that other monocular drivers, meeting the same qualifying conditions as those required by the waiver program, are also likely to have adapted to their vision deficiency and will continue to operate safely.

The first major research correlating past and future performance was done in England by Greenwood and Yule in 1920. Subsequent studies, building on that model, concluded that crash rates for the same individual exposed to certain risks for two different time periods vary only slightly (*See* Bates and Neyman, University of California Publications in Statistics, April 1952). Other studies demonstrated theories of predicting crash proneness from crash history coupled with other factors. These factors—such as age, sex, geographic location, mileage driven and conviction history—are used every day by insurance companies and motor vehicle bureaus to predict the probability of an individual experiencing future crashes (*See* Weber, Donald C., "Accident Rate Potential: An Application of Multiple Regression Analysis of a Poisson Process," Journal of American Statistical Association, June 1971). A 1964 California Driver Record Study prepared by the California Department of Motor Vehicles concluded that the best overall crash predictor for both concurrent and nonconcurrent events is the number of single convictions. This study used 3 consecutive years of data, comparing the experiences of drivers in the first 2 years with their experiences in the final year.

Applying principles from these studies to the past 3-year record of the 15 applicants, one of the applicants had a traffic violation for speeding, one of the applicants was cited for a cell phone violation, one of the applicants had a traffic violation for an improper turn at an intersection, one of the applicants had a traffic violation for operating a CMV while uninsured and one of the applicants was involved in a crash. All the applicants achieved a record of safety while driving with their vision impairment, demonstrating the likelihood that they have adapted their driving skills to accommodate their condition. As the applicants' ample driving histories with their vision deficiencies are good predictors of future performance, FMCSA concludes their ability to drive safely can be projected into the future.

We believe that the applicants' intrastate driving experience and history provide an adequate basis for predicting their ability to drive safely in interstate commerce. Intrastate driving, like interstate operations, involves substantial driving on highways on the interstate system and on other roads built to interstate standards. Moreover, driving in congested urban areas exposes the driver to more pedestrian and vehicular traffic than exists on interstate highways. Faster reaction to traffic and traffic signals is generally required because distances between them are more compact. These conditions tax visual capacity and driver response just as intensely as interstate driving conditions. The veteran drivers in this proceeding have operated CMVs safely under those conditions for at least 3 years, most for much longer. Their experience and driving records lead us to believe that each applicant is capable of operating in interstate commerce as safely as he/she has been performing in intrastate commerce. Consequently, FMCSA finds that exempting these applicants from the vision standard in 49 CFR 391.41(b)(10) is likely to achieve a level of safety equal to that existing without the exemption. For this reason, the Agency is granting the exemptions for the 2-year period allowed by 49 U.S.C. 31136(e) and 31315 to the 15 applicants listed in the notice of September 9, 2010 (75 FR 54958).

We recognize that the vision of an applicant may change and affect his/her ability to operate a CMV as safely as in the past. As a condition of the exemption, therefore, FMCSA will impose requirements on the 15 individuals consistent with the grandfathering provisions applied to drivers who participated in the Agency's vision waiver program.

Those requirements are found at 49 CFR 391.64(b) and include the following: (1) That each individual be physically examined every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

Discussion of Comments

FMCSA received one comment in this proceeding. This comment was considered and discussed below.

The Pennsylvania Department of Transportation stated that it was in favor of granting a Federal vision exemption to Mark E. Lapp.

Conclusion

Based upon its evaluation of the 15 exemption applications, FMCSA exempts James B. Bierschbach, John P. Catalano, Tyrone O. Friese, Randy M. Lane, Mark E. Lapp, David S. Matheny, Frank G. Merrill, Shannon L. Puckett, Leo S. Ruiz, Jr., Ronald B. Shafer, Thomas M. Sharp, Ranjodh Singh, Kenneth M. Sova, Mark A. Thornton and Earl L. White, Jr., from the vision requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above (49 CFR 391.64(b)).

In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for 2 years unless revoked earlier by FMCSA. The exemption will be revoked if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

If the exemption is still effective at the end of the 2-year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: November 8, 2010.

Larry W. Minor,

Associate Administrator, Office of Policy and Program Development.

[FR Doc. 2010–28712 Filed 11–15–10; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. EP 552 (Sub No. 2)]

Notice of Railroad-Shipper Transportation Advisory Council Vacancies

AGENCY: Surface Transportation Board (Board), DOT.

ACTION: Notice of vacancies on the Railroad-Shipper Transportation Advisory Council (RSTAC) and solicitation of nominations.

SUMMARY: The Board hereby gives notice of 2 vacancies on RSTAC for: (1) A representative of a Class I railroad; and (2) a representative of a small shipper. The Board is soliciting suggestions for candidates to fill these vacancies.

DATES: Suggestions of candidates for membership on RSTAC are due on December 13, 2010.

ADDRESSES: Suggestions may be submitted either via the Board's e-filing format or in the traditional paper format. Any person using e-filing should attach a document and otherwise comply with the instructions at the E-FILING link on the Board's website, at *http://www.stb.dot.gov.* Any person submitting a filing in the traditional paper format should send an original and 10 copies to: Surface Transportation Board, Attn: Docket No. EP 526 (Sub-No. 2), 395 E Street, SW., Washington, DC 20423–0001.

FOR FURTHER INFORMATION CONTACT: Brian O'Boyle at 202–245–0536. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: The Board, created by Congress in 1996 to take over many of the functions previously performed by the Interstate Commerce Commission, exercises broad authority over transportation by rail carriers, including regulation of freight railroad rates and service (49 U.S.C. 10701–10747, 11101–11124), as well as the construction, acquisition, operation, and abandonment of rail lines (49 U.S.C. 10901–10907) and railroad line sales, consolidations, mergers, and common control arrangements (49 U.S.C. 10902, 11323–11327).

RSTAC was established upon the enactment of the ICC Termination Act of 1995 (ICCTA), on December 29, 1995, to advise the Board's Chairman, the Secretary of Transportation, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives, with respect to rail transportation policy issues that RSTAC considers significant. RSTAC focuses on issues of importance to small shippers and small railroads, including car supply, rates, competition, and procedures for addressing claims. ICCTA directs RSTAC to develop private-sector mechanisms to prevent, or identify and address, obstacles to the most effective and efficient transportation system practicable. The Secretary of Transportation and the members of the Board cooperate with RSTAC in providing research, technical, and other reasonable support. RSTAC also prepares an annual report concerning its activities and recommendations on whatever regulatory or legislative relief it considers appropriate. RSTAC is not subject to the Federal Advisory Committee Act.

RSTAC consists of 19 members. Of this number, 15 members are appointed by the Chairman of the Board, and the remaining 4 members are the Secretary of Transportation and the Members of the Board, who serve as *ex officio,* nonvoting members. Of the 15 members to be appointed, 9 members are voting members and are appointed from senior executive officers of organizations engaged in the railroad and rail shipping industries. At least 4 of the voting members must be representatives of small shippers, as determined by the Chairman, and at least 4 of the voting members must be representatives of Class II or III railroads. The remaining 6 members to be appointed—3 representing Class I railroads and 3 representing large shipper organizations—serve in a nonvoting, advisory capacity, but are entitled to participate in RSTAC deliberations.

RSTAC is required by statute to meet at least semiannually, and has chosen to meet 4 times in 2011, with the first meeting tentatively scheduled in March 2011. Meetings are generally held at the Board's headquarters in Washington, DC, although some may be held in other locations.

The members of RSTAC receive no compensation for their services. RSTAC members are required to provide for the expenses incidental to their service, including travel expenses, as the Board cannot provide for these expenses. The RSTAC Chairman, however, may request funding from the Department of Transportation to cover travel expenses, subject to certain restrictions in ICCTA. RSTAC also may solicit and use private funding for its activities, again subject to certain restrictions in ICCTA. RSTAC members currently have elected to submit annual dues to pay for RSTAC expenses.

RSTAC members must be citizens of the United States and represent as broadly as practicable the various segments of the railroad and rail shipper industries. They may not be full-time employees of the United States. Further, RSTAC members appointed or re-appointed after June 18, 2010, are prohibited from serving as federally registered lobbyists during their RSTAC term.

The members of RSTAC are appointed for a term of 3 years. A member may serve after the expiration of his or her term until a successor has taken office. No member will be eligible to serve in excess of 2 consecutive terms.

Currently, 2 vacancies exist: for a non-voting representative of a Class I railroad, and for a voting representative of a small rail shipper. Each vacancy is for a 3-year term, to begin immediately upon appointment by the Chairman, and to end on December 31, 2013. Suggestions for a member to fill these vacancies should be submitted in letter form, identifying the name of the candidate and a representation that the candidate is willing to serve as a member of RSTAC for a 3-year term beginning immediately upon appointment and ending December 31, 2013. Suggestions for a candidate for membership on RSTAC should be filed with the Board by December 13, 2010.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Authority: 49 U.S.C. 726.

Decided: November 10, 2010.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2010–28797 Filed 11–15–10; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Release From Federal Grant Assurance Obligations for Tucson International Airport, Tucson, AZ

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of request to release airport land.

SUMMARY: The Federal Aviation Administration (FAA) proposes to rule and invites public comment on the application for a release of approximately 2,000 square feet of airport property at Tucson International Airport, Tucson, Arizona, from all conditions contained in the Grant Assurances since the parcel of land is not needed for airport purposes. The property will be sold for its fair market value and the proceeds deposited in the airport account. The reuse of the land for commercial purposes represents a compatible land use that will not interfere with the airport or its operation. The interest of civil aviation continues to be served by the release.

DATES: Comments must be received on or before December 16, 2010.

FOR FURTHER INFORMATION CONTACT: Comments on the request may be mailed or delivered to the FAA at the following address: Tony Garcia, Airports Compliance Program Manager, Federal Aviation Administration, Airports Division, Federal Register Comment, 15000 Aviation Blvd., Lawndale, CA 90261. In addition, one copy of the comment submitted to the FAA must be mailed or delivered to Ms. Jill L. Merrick, Vice President of Planning and Development, Tucson Airport Authority, 7005 South Plumer Avenue, Tucson, AZ 85756.

SUPPLEMENTARY INFORMATION: In accordance with the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR 21), Public Law 10–181 (Apr. 5, 2000; 114 Stat. 61), this notice must be published in the **Federal Register** 30 days before the Secretary may waive any condition imposed on a federally obligated airport by surplus property conveyance deeds or grant agreements.

The following is a brief overview of the request:

Tucson Airport Authority, Tucson, Arizona requested a release from grant assurance obligations for approximately 2,000 square feet of airport land. The property is separated from the airport by a street and located north of the intersection of Valencia Road and Park Avenue. Due to its location, the property cannot be used for aeronautical purposes. The land is presently used for parking by the neighboring commercial property owner. The property line was not correctly stacked causing the parking area to encroach into airport property. If the commercial property corrects the boundary line by downsizing the parking area, the commercial property will not comply with Tucson building code because the parking area will be too small. The Tucson Airport Authority has agreed to sell the small parcel being used for parking in order to make the commercial property owner whole. The release will allow 2,000 square feet to be sold to allow the commercial property to comply with local law. The sale price will be based on its appraised market value and the sale proceeds will be deposited in the airport account. Continued use of the property for parking represents a compatible use that will not interfere with airport operations. Tucson Airport Authority will be justly compensated, thereby serving the interests of civil aviation.

Issued in Hawthorne, California, on November 2, 2010.

Debbie Roth,

Assistant Manager, Airports Division, Western-Pacific Region.

[FR Doc. 2010–28760 Filed 11–15–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

[AC–52: OTS No. H–4749]

Home Federal Bancorp, Inc., Shreveport, LA; Approval of Conversion Application

Notice is hereby given that on November 5, 2010, the Office of Thrift Supervision approved the application of Home Federal Mutual Holding Company of Louisiana and Home Federal Bank, Shreveport, Louisiana, to convert to the stock form of organization.

Copies of the application are available for inspection by appointment (phone number: 202–906–5922 or e-mail *Public.Info@OTS.Treas.gov*) at the Public Reading Room, 1700 G Street, NW., Washington, DC 20552, and the OTS Western Regional Office, 122 W. John Carpenter Freeway, Suite 600, Irving, Texas 75261–9027.

Dated: November 8, 2010.

By the Office of Thrift Supervision.

Sandra E. Evans,

Federal Register Liaison.

[FR Doc. 2010–28639 Filed 11–15–10; 8:45 am]

BILLING CODE 6720–01–M

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Federal Register

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CFR Checklist. Effective January 1, 2009, the CFR Checklist no longer appears in the Federal Register. This information can be found online at **http://bookstore.gpo.gov/.**

FEDERAL REGISTER PAGES AND DATE, NOVEMBER

CFR PARTS AFFECTED DURING NOVEMBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

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